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TOWN COUNCIL MEETING AGENDA
THURSDAY, SEPTEMBER 18, 2014
Town Hall Council Chambers
12:00 P.M.

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. APPROVAL of MEETING MINUTES FROM SEPTEMBER 2, 2014**
- IV. PUBLIC COMMENT – *Please sign in to make public comment***
- V. LIQUOR LICENSE**
 - 1. Special Events Liquor Permit – Archuleta County Democratic Party Central Committee Chili Supper October 3, 2014 at the Ross Aragon Community Center**
- VI. NEW BUSINESS**
 - 1. Preliminary 2015 Budget**
 - 2. Ordinance 816, First Reading, Indemnifying Town Board Members and Employees**
 - 3. East Phase of Commuter Trail from 8th to 10th Street**
 - 4. Geothermal Greenhouse Partnership Project Update and Energy Impact Grant Application**
- VII. OLD BUSINESS**
 - 1. Ordinance 814, First Reading, Vacating Portion of 6th/7th Alley**
 - 2. Ordinance 815, Second Reading, Vacating Public Utility Easements, 209 Harman Park Dr.**
 - 3. Sales Tax Brief**
- VIII. DEPARTMENT HEAD REPORTS**
 - 1. Community Center Report**
 - 2. Parks and Recreation Report**
 - 3. Town Tourism Committee Report**
 - 4. Planning Department Report**
 - 5. Special Projects Manager Report**
 - 6. Town Manager Report**
- IX. APPROVAL OF AUGUST FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS**
- X. PUBLIC COMMENT – *Please sign in to make public comment***
- XI. COUNCIL IDEAS AND COMMENTS**
- XII. NEXT TOWN COUNCIL MEETING OCTOBER 7, 2014 AT 5:00PM**
- XIII. ADJOURNMENT**

Don Volger
Mayor



AGENDA DOCUMENTATION

NEW BUSINESS: VI.1

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 18, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: PRELIMINARY 2015 BUDGET

ACTION: FOR COUNCIL INFORMATION

PURPOSE/BACKGROUND

As specified by Colorado Revised Statutes, the Town of Pagosa Springs is required to prepare and adopt an annual budget by December 31st each year. The Town also has an internal budget calendar in place to ensure a timely preparation and review of the proposed budget. This presentation of the budget represents a preliminary budget for Council's consideration and review. Subsequent to this presentation, there are a series of budget work sessions scheduled for the Town Council that are planned to occur between October 8th – 16th. The budget timeline for Town of Pagosa Springs is as follows:

- | | |
|---|------------------------------|
| - Preliminary Budget Presentation: | September 18 th |
| - Budget Work Sessions: | October 8 – 16 th |
| - First Ordinance Reading for the Budget: | November 20 th |
| - Final Budget Adoption: | December 2 nd |

At the work sessions, the Council will hear from each department about their respective budget section.

Summary

The economic outlook for the Town continues to improve. It appears that our community is starting to emerge from the economic downturn. However, there are some circumstances that call for a cautious approach, particularly when considering revenue projection, particularly in the area of sales tax. When reviewing the summary page of the revenues and expenditures, all funds are in balance.

Revenues

Two important barometers of the economy for our community are the sales tax and the lodgers tax and both are presently trending upward in impressive numbers. From the sales tax standpoint, the assumption is that the sales tax will increase by 3% compared to the estimated year end for 2014. It is assumed that the 2015 sales tax projection will be 5% greater than the 2014 budgeted amount of \$3.374 million. This equates to \$3.542 million. As a reminder the sales tax is split equally between the General Fund and the Capital Fund.

A significant factor related to sales tax is the Wal-Mart presently under construction. It is scheduled to open in March 2015. Assuming the Wal-Mart opens as scheduled, the first payment received will be in approximately mid-year of 2015. Because of state protections on sales tax figures for individual retailers, it is very difficult to project what the Town might receive in incremental sales tax receipts. In addition, it is unknown what the complete net effect will be when also considering what magnitude of impact there is to other retailers such as City Market, Alco, and the newly opened Tractor Supply Store.

Consequently, the present estimate is the Town will receive an increase of 3% in sales tax growth about what the projection is for year-end 2014. This results in an estimate of \$3.649 million or an increase of approximately \$107,000.

From a lodgers tax standpoint, we are estimating the 2014 year-end total revenue to be approximately \$536,000 which is an increase of \$45,000 (9%) compared the 2014 budgeted amount of \$491,000. For 2015, total projected revenue is \$540,000. The \$540,000 figure will not include \$25,000 in grant funding received from the state in 2014. The growth in strictly lodgers tax funding is expected to grow from \$500,000 expected at year end to \$540,000 or about an 8% increase. Another factor related to the lodgers tax is whether the County will agree to contribute their lodgers tax funding to a combined funding effort. Initial indications are the County is willing to contribute their approximately \$85,000 in lodgers tax, and that should be ascertained by the end of calendar year 2014.

All other projected fund revenues for 2015 are reasonably close to 2014 expected revenues, with the exception of the Impact Fee Fund. In 2014, expected revenue is approximately \$517,000 and the projected revenue for 2015 is \$24,000, or a reduction of approximately \$493,000. This is a result of an abnormally high payment made into the Fund from the Wal-Mart project in 2014.

Expenses

In summary, expenses in the different Funds are mixed with some going up and some decreasing. Both the General and Capital Funds, which are the largest Funds, are both decreasing overall. However the Capital Fund is understated by approximately \$400,000 as expenses related to the 8th Street Rebuild are being directly assessed out of the Impact Fee Fund as opposed to being transferred to the Capital Fund. The expense of that project also explains the significant increase in the Impact Fee Fund for 2015. Expenses for the Lodgers Tax Fund are increasing primarily as a result of the transition of ownership of the Visitors Center and the need to hire staff. The Geothermal Fund is increasing costs as a result of the proposed McCabe Creek Reconstruction Project set for 2015. Finally, the Conservation Trust Fund is reducing expenses mainly as a result of specific park maintenance project expenses.

Some specific notes about expenses for 2015, as follows:

1. For the General Fund and the Capital Fund there is the expectation to have a minimum of a 3 month reserve. For the General Fund, the 3 months reserve is approximately \$576,000. The calculated reserve is expected to be \$1.4 million. For the Capital Fund, the 3 month reserve is estimated at \$326,000 and is calculated to cover the Maintenance & Debt section. The calculated Capital reserve is \$350,000. However it should be noted that in order to achieve the 3 month reserve, it will be necessary to forsake the Piedra Street re-paving project in 2015 and shift it to 2016.
2. Regarding the Services/Service Organization portion of the budget, the 2015 allocation is budgeted at the same amounts expended as in 2014, which equates to about \$62,000. However, we have received requests totaling \$111,000 – an increase of \$49,000. In addition, for the Economic Development section, there will continue to be \$20,000 budgeted for possible sales tax rebates pursuant to the current economic incentives policy. The one time allocations in 2014 for Rural Philanthropy Days and the Downtown Development Group are not carried over. We have had requests for an additional \$43,000 considered to be economic development related. This includes a placeholder of \$25,000 for a possible contribution towards an economic development organization.

Personnel Notes

There are several important aspects to personnel costs that affect the overall budget, as follows:

1. The Town Council in 2013 adopted a policy whereby the salary ranges of employees would be adjusted for cost of living increases as specified by the Denver-Greeley Consumer Price Index. For 2015, the employees are due for an increase of 2.771%. This adjusts the base salary costs for all Funds that contain personnel. For all Funds, this totals approximately \$34,000. In addition, the

Council specified that a merit pay plan was to be implemented. For calculation purposes, a pool equaling an average of 2% for employees was created for all Funds and equals approximately \$34,000 as well. This does not mean all employees would get a 2% merit increase; it is just an estimate for budgeting purposes only.

2. Department Heads requested an additional 4.0 Full Time Equivalents for 2015, the detail is described as follows:

- 1.0 FTE Records/Human Resources Clerk with the Town Clerk/Administration Department
- 1.0 FTE Associate Planner for the Planning/Building Department
- 1.0 FTE Deputy Court Clerk for the Courts Department
- 1.0 FTE Police Officer for the Police Department

The salary cost for all 4.0 FTE is estimated at \$151,000. Total costs including salary, benefits, equipment, and training is approximately \$230,000.

ATTACHMENT

Preliminary 2015 Budget

RECOMMENDATION

None – for Council information only.



Preliminary Budget

Fiscal Year 2015

Town of Pagosa Springs
551 Hot Springs Blvd
Pagosa Springs, CO 81147

Presented: September 18, 2014

SUMMARY OF ALL FUNDS REVENUES AND EXPENDITURES

	2013 Budget	2013 Estimate	2014 Budget	2014 Estimate	2015 Budget
REVENUES					
General Fund	3,219,164	3,690,960	3,685,992	3,880,053	3,748,239
Capital Improvement	9,970,051	4,240,276	5,393,216	4,779,964	4,005,647
Impact Fee Fund	110,679	302,348	286,608	841,476	584,651
Lodgers Tax Fund	562,516	593,207	650,234	691,751	695,534
Geothermal Enterprise Fund	186,688	171,511	136,750	144,605	131,875
Conservation Trust Fund	103,745	105,281	123,505	123,505	100,505

EXPENDITURES					
General Fund	2,150,286	2,015,554	2,449,176	2,442,083	2,303,411
Capital Improvement	9,105,299	2,502,879	4,990,556	3,798,010	3,651,028
Impact Fee Fund	15,260	35,891	119,500	280,625	410,380
Lodgers Tax Fund	510,300	433,473	556,500	536,217	647,314
Geothermal Enterprise Fund	100,100	75,961	65,350	54,430	101,350
Conservation Trust Fund	30,000	28,776	70,000	70,000	47,000

Year End Cash Reserve					
General Fund	1,068,878	1,675,406	1,236,816	1,437,970	1,444,828
Capital Improvement	864,752	1,737,397	402,660	981,954	354,619
Impact Fee Fund	95,419	266,457	167,108	560,851	115,673
Lodgers Tax Fund	52,216	159,734	93,734	155,534	48,219
Geothermal Enterprise Fund	86,588	95,550	71,400	90,175	30,525
Conservation Trust Fund	73,745	76,505	53,505	53,505	53,505

GENERAL FUND REVENUES						
Account	Description	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
TAXES & CONTRACTS						
10-31-100	Property Tax	84,794	85,765	75,855	75,855	75,850
10-31-200	Special Ownership/MVL	13,500	12,754	13,500	13,500	13,500
10-31-310	Sales Tax	1,597,555	1,670,682	1,687,096	1,771,451	1,824,594
10-31-420	Cigarette Tax	18,000	16,392	17,500	16,000	16,000
10-31-600	Gas Franchise	14,000	14,785	13,300	14,637	14,000
10-31-610	Telephone Franchise	4,000	10,756	9,000	10,000	9,000
10-31-750	Cable TV Franchise	7,200	7,101	6,900	7,000	7,000
10-31-770	Ground Lease	66,745	77,883	79,825	79,825	79,825
10-31-810	Severance Tax	5,000	5,532	5,000	8,127	5,000
	subtotal	1,810,794	1,901,650	1,907,976	1,996,395	2,044,769
LICENSES & PERMITS						
10-32-110	Liquor License	11,000	11,046	10,000	10,000	10,000
10-32-190	Peddler/Contractor/Bus. Lic/Banners	12,500	17,770	12,500	23,500	22,500
10-32-210	Building Permits/Fees	20,000	110,380	20,000	51,000	55,000
10-32-211	Planning Fees	0	0	0	6,500	6,500
	subtotal	43,500	139,197	42,500	91,000	94,000
INTERGOVERNMENTAL REVENUE						
10-33-410	Mineral Leasing	2,500	1,667	1,600	2,080	1,600
10-33-480	PSSGID Insurance	17,500	17,500	17,500	17,500	17,500
10-33-490	PSSGID Bookkeeping	25,000	25,000	25,000	25,000	25,000
10-33-500	Geothermal Bookkeeping/Insurance	6,000	6,000	6,000	6,000	6,000
10-33-660	PS Community Facilities Coalition	10,030	7,539	10,030	9,888	0
	subtotal	61,030	57,706	60,130	60,468	50,100
CHARGES FOR SERVICES						
10-34-630	Dept Human Serv Building Lease	31,900	31,125	31,900	31,900	31,900
10-34-635	Senior Center Lease Comm Center	24,768	24,768	0	0	0
10-34-650	Recreation User Fees	45,000	43,828	45,000	39,000	39,000
10-34-680	Developer Reimbursement Fees	0	21,844	0	0	0
	subtotal	101,668	121,565	76,900	70,900	70,900
FINES AND FORFEITS						
10-35-110	Court Fines	41,000	34,412	41,000	35,000	35,000
10-35-115	Traffic Surcharges	6,000	3,644	6,000	3,700	4,500
10-35-125	Police Fees & Misc	2,000	7,620	2,000	3,500	2,000
	subtotal	49,000	45,676	49,000	42,200	41,500
MISCELLANEOUS						
10-36-110	Miscellaneous	6,000	15,125	8,000	6,000	8,000
10-39-990	Interest Earned	1,500	1,371	1,000	1,000	1,000
10-36-115	Administration from Impact Fee Fund	250	0	2,000	2,000	0
	subtotal	7,750	16,496	11,000	9,000	9,000
	GENERAL FUND REVENUE	2,073,742	2,282,290	2,147,506	2,269,962	2,310,269
	Prior Year End Cash Reserve	1,145,422	1,408,670	1,538,486	1,610,091	1,437,970
	Total General Fund Revenue	3,219,164	3,690,960	3,685,992	3,880,053	3,748,239

a 3% increase over end of year 2014.

GENERAL FUND EXPENDITURES						
Account	Decription	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
	GENERAL GOVERNMENT					
10-44	Town Manager/Admin Department	251,968	240,271	262,935	325,404	236,036
10-42	Town Clerk/Town Hall Department	325,633	309,073	347,124	347,229	373,984
10-46	Building/Planning Department	189,172	201,478	225,489	222,082	244,008
10-48	Municipal Court Department	182,516	173,604	200,965	198,945	226,340
10-53	Community Center Department	171,449	168,949	159,258	146,015	162,003
	subtotal	1,120,738	1,093,376	1,195,771	1,239,677	1,242,372
	PUBLIC SAFETY					
10-51	Police Department	758,262	663,575	776,913	753,763	798,534
	subtotal	758,262	663,575	776,913	753,763	798,534
	RECREATION					
10-56	Recreation Department	177,387	177,156	180,729	171,880	180,742
	subtotal	177,387	177,156	180,729	171,880	180,742
	COMMUNITY SUPPORT SERVICES					
10-75	Service Organizations	61,400	62,528	63,263	61,763	61,763
10-77	Economic Development	32,500	18,919	32,500	15,000	20,000
	Subtotal	93,900	81,447	95,763	76,763	81,763
	OTHER EXPENDITURE					
10-76-100	General Fund Reserves	0	0	200,000	200,000	0
	General Fund Expenditures	2,150,286	2,015,554	2,449,176	2,442,083	2,303,411
	Total General Fund Expenditures	2,150,286	2,015,554	2,449,176	2,442,083	2,303,411
	TOTAL REVENUES	3,219,164	3,690,960	3,685,992	3,880,053	3,748,239
	TOTAL EXPENDITURES	2,150,286	2,015,554	2,449,176	2,442,083	2,303,411
	End Year Cash Reserve	1,068,878	1,675,406	1,236,816	1,437,970	1,444,828
	Restricted 3% Tabor Reserve	64,509	60,467	73,475	73,262	69,102
	Unrestricted Reserve	1,004,370	1,614,939	1,163,341	1,364,708	1,375,726

TOWN MANAGER/ADMINISTRATION DEPARTMENT

Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
10-44-110	Town Manager	100,000	100,000	101,943	139,000	91,466
10-44-131	FICA	7,650	7,965	8,900	11,138	6,997
10-44-132	Insurance	13,000	13,769	14,350	14,351	14,700
10-44-133	Travel/Dues/Expenses	4,000	2,094	4,000	1,250	4,000
10-44-134	Pension	5,000	5,000	5,097	6,700	4,573
10-44-137	Auto Allowance	1,200	1,200	1,200	0	1,202
10-44-139	Housing Allowance	14,400	14,400	14,400	6,600	0
10-44-226	Attorney	100,000	90,095	100,000	134,000	100,000
	Subtotal	245,250	234,523	249,890	313,039	222,938
COMMODITIES						
10-44-202	Office Supplies	150	302	150	150	150
10-44-402	Telephone	400	436	650	650	650
	Subtotal	550	738	800	800	800
CONTRACTUAL						
10-44-172	Employee Education Program	1,500	0	1,500	820	1,500
10-44-420	Contingency Fund	2,000	2,005	1,000	1,000	1,000
	Subtotal	3,500	2,005	2,500	1,820	2,500
DUES						
10-44-404	SW Eco. Dev./Region 9	803	803	803	803	803
10-44-405	Region 9 Trans Planning	348	347	347	347	347
10-44-406	San Juan RC&D	50	50	50	50	50
10-44-409	Club 20	200	200	200	200	200
10-44-414	CML Dues	0	0	3,534	3,534	3,587
10-44-416	Chamber of Commerce	659	695	695	695	695
10-44-433	Southwest Council of Governments	608	910	4,116	4,116	4,116
	Subtotal	2,668	3,005	9,745	9,745	9,798
TOTAL MANAGER/ADMIN BUDGET						
		251,968	240,271	262,935	325,404	236,036

TOWN CLERK/TOWN HALL DEPARTMENT						
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
10-42-110	Town Clerk	52,798	52,886	55,291	55,291	56,823
10-42-110	Deputy Clerk	37,524	37,524	38,253	38,253	39,313
10-42-131	FICA	6,910	5,668	7,156	7,156	7,354
10-42-132	Insurance	29,544	30,425	32,660	32,550	32,400
10-42-134	Pension	4,516	4,520	4,677	4,677	4,807
	subtotal	131,292	131,022	138,037	137,927	140,697
COMMODITIES						
10-42-203	Office Supplies	3,600	3,516	3,600	3,800	4,500
10-42-211	Copy Expenses	3,700	5,088	3,800	3,800	4,000
10-42-216	Travel/Training Dues	2,800	3,107	3,500	2,800	2,000
10-42-218	Utilities Gas/Elec/Water/Trash	25,000	24,499	25,000	25,000	26,000
10-42-222	Telephone	11,500	11,893	11,500	14,700	15,500
10-42-230	Printing/Publications/Recordings	2,500	2,818	2,500	3,300	3,500
10-42-242	Postage	2,000	1,994	2,500	2,500	3,000
10-42-248	Elections	2,000	1,615	2,500	3,705	0
10-42-300	Town Council	1,000	131	16,000	16,000	24,250
	subtotal	54,100	54,661	70,900	75,605	82,750
CONTRACTUAL						
10-42-223	County Treasures Fees	1,966	2,102	1,787	1,787	1,787
10-42-224	Drug Testing	1,500	855	2,000	1,180	2,500
10-42-227	Auditor	7,000	7,000	7,000	7,000	7,000
10-42-228	Computer Support	1,550	2,304	1,550	950	1,500
10-42-232	Bonds, Insurance	95,000	86,303	95,000	93,000	104,650
10-42-246	Caselle Support	10,000	9,747	10,600	10,317	11,000
10-42-264	Codify Code/Website	0	1,475	3,525	4,838	3,500
10-42-269	Cafeteria Plan Administration	1,225	1,035	4,725	4,725	5,000
10-42-270	Health Reimbursement Account	20,000	10,300	10,000	7,500	10,000
10-42-291	Insurance Dispute	0	458	0	0	0
10-42-510	Web Site	2,000	1,810	2,000	2,400	3,600
	subtotal	140,241	123,390	138,187	133,697	150,537
TOTAL TOWN CLERK BUDGET						
		325,633	309,073	347,124	347,229	373,984

a \$300 IIMC \$140 CMCA \$1500 on-the-road workshops

b Council Chamber Recorder \$545

c Health Insurance Deductible Reimbursement

d Cirsa Property \$61,650 Pinnocol 5% \$43,000

e Cobra Help \$225, Health reform tax \$3,500, Employee SW \$500

f CDL/Safety Sensitive/new employees/random

g Codify Municipal Code - Website Hosting

h \$19.5K Salary, \$4K council tablets, \$750 reasonable expense reimbursement

i Increased postings and news - Online forms for business and lodgers tax payments

BUILDING/PLANNING DEPARTMENT						
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
10-46-110	Building Official	52,150	52,137	53,163	53,163	54,636
10-46-110	Planning Manager	50,926	51,169	55,291	55,291	56,823
10-46-110	Assoc Planner/Permit Tech	20,000	15,777	34,200	34,200	35,148
10-46-131	FICA	9,415	7,794	10,913	10,913	11,215
10-46-132	Insurance	35,877	33,327	43,590	38,683	38,306
10-46-133	School/Travel/Dues	4,500	3,986	8,000	7,000	8,500
10-46-134	Pension	6,154	5,929	7,133	7,133	7,330
	Subtotal	179,022	170,120	212,289	206,382	211,958
COMMODITIES						
10-46-202	Office Supplies	1,500	2,830	2,000	4,000	3,750
10-46-208	Historic Preservation Board	3,500	2,022	2,500	1,000	4,500
10-46-210	Copy Expense	2,500	1,608	2,500	2,500	2,500
10-46-212	Fuel/Oil/Mileage	2,250	2,422	2,500	1,500	2,500
10-46-402	Telephone	400	498	1,200	1,200	1,300
	Technology	0	0	0	0	1,000
10-46-405	Right-of-Way/Easement Process	0	0	0	3,000	4,000
	Subtotal	10,150	9,380	10,700	13,200	19,550
CONTRACTUAL						
10-46-425	Walmart Application	0	18,498	0	0	0
10-46-215	Consultant Expense	0	3,480	2,500	2,500	2,500
10-46-	Code Defense/Legal Fees	0	0	0	0	10,000
	Subtotal	0	21,978	2,500	2,500	12,500
	TOTAL BUILDING/PLNG BUDGET	189,172	201,478	225,489	222,082	244,008

a Additional staff training / Planning Director deferred training / Deferred membership dues

b Additions: IBC 2015 digital + Safety Gear

c Saving Places Conference

d Less use of personal vehicles increasing local miles/service with Town car expected. Adopt old Police Tahoe that may require servicing

e For tracking expenses associated with Town ROW and easements issues. Previously placed in other budget lines per Town Manager

f Costs associated with professional Consultant Services needed for department operations

g New line item for tracking legal defense for LUDC code violations that are served to appear in Court

h Software upgrades for planning department laptop

MUNICIPAL COURT						
Accounts		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
10-48-110	Municipal Judge	26,244	26,495	30,168	30,169	31,004
10-48-110	Court Admin/Probation Officer	47,661	47,806	50,666	50,666	52,070
10-48-110	Court Clerk	33,755	33,747	34,411	34,411	35,365
10-48-115	Judge Pro-Tem	500	225	750	1,400	1,500 ^a
10-48-131	FICA	8,236	6,703	8,816	8,816	9,061
10-48-132	Insurance	35,100	35,684	38,000	38,000	37,500
10-48-133	Travel/Dues/Education	850	40	1,850	2,800	6,000 ^b
10-48-134	Pension	4,071	4,078	4,254	4,254	4,372
	Subtotal	156,416	154,777	168,915	170,515	176,870
COMMODITIES						
10-48-108	Juvenile Task Force	100	0	100	150	500 ^c
10-48-120	Drug Test/Monitoring Devices	2,500	2,066	3,000	2,600	3,000
10-48-202	Office Supplies	1,000	1,698	1,500	2,400	2,500 ^d
10-48-220	Vehicle Expenses/Fuel/Mileage	150	266	250	250	250
10-48-	Postage	0	0	0	0	500 ^e
	Subtotal	3,750	4,030	4,850	5,400	6,750
CONTRACTUAL						
10-48-123	Prisoner Cost	2,000	0	2,000	2,000	2,000 ^f
10-48-204	Court Appointed Counsel	1,500	1,595	3,000	2,500	3,000
10-48-206	Counseling	5,000	436	5,000	1,000	2,500
10-48-210	Translation Services	200	47	200	130	200
10-48-230	Town Prosecutor	12,000	11,045	15,000	15,000	16,000 ^g
10-48-	Alarm Monitoring	0	0	0	0	320 ^h
10-48-	Records Management System	0	0	0	0	0 ⁱ
10-48-	Legal Research Solution	0	0	0	0	8,500 ^j
10-48-234	Miscellaneous Expenses	1,100	1,179	1,100	1,500	2,000 ^k
10-48-280	Computer Support	550	495	900	900	500 ^l
10-48-	Court Security	0	0	0	0	7,700
	Subtotal	22,350	14,797	27,200	23,030	42,720
	TOTAL MUNI COURTS BUDGET	182,516	173,604	200,965	198,945	226,340

a Judge Pro-Tempore for 20 hours/year

b continuing ed and certification for existing staff

c Return to 2008 budget level--Volunteer recognition for Community Youth Task Force

d Increased costs for printer cartridges

e Postage previously absorbed in 10-48-234

f IGA with Archuleta County

g Appointed/Contract attorney to prosecute all criminal and traffic matters

h Absorbed in 10-48-280 during 2014, Mountain Home Sound and Security Alarm Monitoring for Courtroom

i E-Force annual license, support, and hosting (2013, 2014, 2015 paid at time of implementation)

j Westlaw Contract

k Replacement of judicial robes, establishing a civil procedure library

l JCG annual contract for court recording equipment

POLICE DEPARTMENT						
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
10-51-110	Chief	58,734	58,959	63,030	63,030	64,777
10-51-110	Senior Detective	53,513	53,499	54,553	54,553	56,065
10-51-110	Lieutenant/Sergeant	47,936	47,924	50,666	50,666	52,070
10-51-110	Senior Officer	46,972	46,960	47,885	51,028	40,067
10-51-110	Corporal/Senior Officer	40,958	41,008	44,445	42,951	45,677
10-51-110	Officer	38,168	38,164	38,987	38,987	40,067
10-51-110	Officer	38,168	18,532	38,987	38,987	40,067
10-51-110	Officer	35,600	0	38,987	34,000	40,067
10-51-110	Administrative Assistant	34,643	34,665	35,726	35,726	36,716
10-51-108	Parking Enforcement	6,666	0	0	0	0
10-51-105	Animal Control	14,944	14,974	15,670	15,670	16,104
10-51-130	FPPA (officers) 8%	28,804	25,461	30,203	29,936	30,309
10-51-131	Medicare (officers) 1.45%	4,667	4,423	4,909	5,426	5,493
10-51-131	FICA (non officers) 7.65%	4,303	3,797	3,932	3,932	4,551
10-51-132	Insurance	80,000	63,067	85,000	74,000	95,000
10-51-133	Training	10,000	7,596	10,000	10,000	10,000
10-51-134	Pension	19,735	17,646	20,663	20,496	20,779
10-51-216	Dues/Subscriptions	750	875	2,890	3,065	3,200
10-51-218	Uniform	2,000	1,825	2,000	2,000	2,500
	Subtotal	566,562	479,375	588,533	574,453	603,508
COMMODITIES						
10-51-202	Office Supplies	2,200	3,066	2,500	2,450	2,500
10-51-204	Postage	500	484	500	375	500
10-51-212	Fuel/Oil	34,000	28,341	38,000	27,240	30,000
10-51-226	Duty Ammunition	2,000	1,240	2,000	2,000	2,000
	Subtotal	38,700	33,131	43,000	32,065	35,000
CONTRACTUAL						
10-51-402	Telephone	3,500	3,123	3,500	3,325	3,500
10-51-404	Print/Publishing/Advertising	1,800	1,810	800	760	800
10-51-408	Vehicle/Maintenance and Repairs	15,000	15,194	0	0	0
10-51-410	Dispatch Center	112,200	112,200	119,830	119,830	122,026
10-51-412	Humane Society	10,000	10,000	10,000	10,000	10,000
10-51-420	Investigation Contingency	2,500	1,511	2,500	2,500	2,500
10-51-428	Radio/Maintenance and Repairs	500	443	1,000	750	1,000
10-51-430	Radar Certification	500	733	750	1,080	1,000
10-51-434	Case Medical Expense	5,000	3,109	5,000	7,000	10,000
10-51-808	Misc Police Equipment	2,000	2,945	2,000	2,000	9,200
	Subtotal	153,000	151,069	145,380	147,245	160,026
	TOTAL POLICE BUDGET	758,262	663,575	776,913	753,763	798,534

a Senior Officer (retired) -- budget for Officer

b Change due to increase in dues costs, Lexipol subscriptions, etc.

c Required to outfit a new officer and replace worn uniforms

d Cost of Archuleta County Combined Dispatch has increased 1% (\$2,079)

e Increase in repairs costs due to age of the radars and repair costs to maintain

f Costs for case medical expenses fluctuate year to year - budgeted according to costs incurred in 2014

g 3 radar units are past their life expectancy and cost of maintenance exceeds their current value and therefore need to be replaced.

g 2 Tasers are broken and out of the 5 year warranty 2 new Tasers need to be purchased to replace them.

h Budgeted insurance due to unknown for open officer positions, budgeted amount is based on PPO Full Family coverage

COMMUNITY CENTER DEPARTMENT						
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
10-53-110	Facility Director	46,250	45,477	50,666	39,354	49,330
10-53-110	Event/Program Coordinator	33,785	34,252	40,727	40,727	41,856
10-53-111	Administrative Assistant	26,499	26,820	31,339	31,339	32,208
10-53-131	FICA	8,150	7,844	9,389	8,524	9,440
10-53-132	Insurance	26,625	24,460	21,000	20,500	23,000
10-53-134	Pension	5,372	5,328	6,137	5,571	6,170
10-53-140	Community Center Expenses	24,768	24,768	0	0	0
	subtotal	171,449	168,949	159,258	146,015	162,003
	TOTAL COMM. CENTER BUDGET	171,449	168,949	159,258	146,015	162,003

RECREATION DEPARTMENT						
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
10-56-110	Director	53,868	53,883	55,291	55,291	56,823
10-56-110	Recreation Supervisor	42,336	42,325	43,159	43,159	44,355
10-56-111	Refs/Umps/Part time	30,000	33,207	32,650	26,000	27,500
10-56-131	FICA	9,655	10,595	10,639	10,130	10,456
10-56-132	Insurance	7,968	8,303	7,968	7,969	8,000
10-56-133	Travel/Dues	700	0	200	259	300
10-56-134	Pension	4,810	4,810	4,922	4,922	5,059
	Subtotal	149,337	153,125	154,829	147,730	152,492
COMMODITIES						
10-56-202	Office Supplies	500	875	100	100	100
10-56-206	Recreation Supplies/Equipment	18,000	14,019	18,000	17,000	20,000
10-56-208	Trophies/Awards	4,500	4,548	4,500	4,500	4,500
	Subtotal	23,000	19,442	22,600	21,600	24,600
CONTRACTUAL						
10-56-402	Telephone	800	369	800	450	650
10-56-406	Vehicle Fuel/Maintenance	500	15	0	0	0
10-56-422	Med Supplies/Maint/Repairs	2,000	1,659	2,000	1,800	2,000
10-56-824	Special Events	1,750	2,548	500	300	500
10-56-	Online Forms and Rec Signup	0	0	0	0	500
	Subtotal	5,050	4,590	3,300	2,550	3,650
	TOTAL RECREATION BUDGET	177,387	177,156	180,729	171,880	180,742

SERVICES/SERVICE ORGANIZATIONS							
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget	2015 Requests
County Services							
10-75-399	Nutrition/Seniors	7,000	7,000	7,000	7,000	7,000	32,000
10-75-400	Transportation/Seniors	3,500	3,500	3,500	3,500	3,500	0
10-75-430	Mountain Express	20,000	20,000	20,000	20,000	20,000	30,000
Education							
10-75-413	Seeds of Learning	5,000	5,000	5,000	5,000	5,000	7,500
10-75-434	Pagosa Springs Youth Center	2,450	2,450	0	0	0	0
10-75-437	Archuleta County Crossing Guard	0	0	3,000	1,500	1,500	3,000
Health/Safety							
10-75-401	Axis/Pagosa Counsel Cntr	950	950	950	950	950	2,000
10-75-410	Southwest Safehouse/Volunteers of America	500	500	500	500	500	500
10-75-417	ACVAP	6,000	6,000	6,000	6,000	6,000	7,000
10-75-428	Axis/Acute Treatment Unit	15,000	15,000	15,000	15,000	15,000	15,000
10-75-398	San Juan Basin Area Agency on Aging	500	500	500	500	500	2,500
10-75-	9 Health Fair	0	0	0	0	0	250
Community Assistance							
10-75-432	Thingamajig Theatre Company	500	500	500	500	500	10,000
10-75-435	Chimney Rock Interpretive	0	1,128	0	0	0	0
Housing							
10-75-436	4CORE (Resource Efficiency)	0	0	1,313	1,313	1,313	1,313
TOTAL SERVICE FUNDS		61,400	62,528	63,263	61,763	61,763	111,063

3.25% 2014 Tax & Contracts
\$66,455

ECONOMIC DEVELOPMENT							
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget	2015 Requests
Economic Development							
10-77-500	CO Office Economic Develop Parelli Grant	12,500	5,000	0	0	0	0
10-77-511	Southwest Rural Philanthropy Days SWRPD	0	0	2,500	2,500	0	0
10-77-512	Downtown Development Group	0	0	10,000	10,000	0	0
10-77-515	Economic Development Incentives	20,000	13,919	20,000	2,500	20,000	20,000
10-77-520	Seeds of Learning	0	0	0	0	0	15,000
10-77-	Small Business Development Center	0	0	0	0	0	3,500
10-77-	Economic Development Organization	0	0	0	0	0	25,000
	TOTAL ECONOMIC DEVELOPMENT	32,500	18,919	32,500	15,000	20,000	63,500

CAPITAL IMPROVEMENT FUND						
REVENUE						
Account	Description	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
TAXES AND FEES						
51-31-100	Highway Users Tax Fund	73,595	70,451	72,500	72,500	72,500
51-31-310	Sales Tax	1,597,555	1,670,682	1,687,096	1,771,451	1,824,594
51-31-640	Park User Fees	13,000	11,825	13,000	13,750	13,000
51-31-650	Cemetery Fees	1,000	5,400	1,000	2,000	1,000
	Subtotal	1,685,150	1,758,358	1,773,596	1,859,701	1,911,094
INTERGOVERNMENTAL REVENUES						
51-33-400	County Road Mill	61,250	76,444	68,461	68,461	69,602
51-33-490	Geothermal Streets/Maintenance Contract	14,000	14,000	14,000	14,000	14,000
51-33-610	Transfer from Impact Fees	0	0	110,000	0	0
51-33-620	Transfer from General Fund	0	0	200,000	200,000	0
51-33-630	Dept Human Serv. Janitorial Contract	8,200	8,200	8,200	8,200	8,200
	Subtotal	83,450	98,644	400,661	290,661	91,802
Grants for Streets						
51-33-880	CMAQ Funds Majestic Dr	385,000	0	385,000	385,000	0
51-33-	CMAQ Funds Crestview Dr	0	0	0	0	149,000
Grants for Parks						
51-33-730	Division of Wildlife Fishing is Fun	85,000	0	85,000	85,000	0
51-33-810	Reservoir Hill Funding	4,395,000	0	0	0	0
51-33-	Forestry Grant	0	0	0	0	10,000
Grants for Trails						
51-33-635	Archuleta County PROST, TTPL Harman Hill	200,000	0	200,000	0	200,000
51-33-640	PLPOA TTPL West Phase	45,000	0	45,000	0	45,000
51-33-790	State Trails Grant TTPL West Phase	200,000	0	200,000	0	200,000
51-33-720	CDOT Enhmt Grant 8-10 St Sidewalk on 160	238,296	0	238,296	0	261,796
51-33-	CDOT TAP Funds, Harman Hill	0	0	0	0	0
51-33-760	State Trails Riverwalk TH to 6th St Bridge	120,000	0	120,000	85,000	15,000
51-33-	GOCO 6th Street Bridge Grant	0	0	349,000	242,000	0
51-33-	GOCO Planning Grant TTPL and Riverwalk	0	0	40,000	0	40,000
Grants for Other						
51-33-	Historic Preservation Grant	0	0	60,000	0	100,000
51-33-770	DOLA Intern Grant	17,500	0	0	0	0
51-33-780	DOLA fiber-optics /County portion	534,559	325,460	0	0	0
	Subtotal	6,220,355	325,460	1,722,296	797,000	1,020,796
MISCELLANEOUS						
51-36-110	Miscellaneous	0	10,000	0	52,000	0
51-36-130	Lewis Street Loan Proceeds	75,012	75,012	0	0	0
	Total Annual Revenues	8,063,967	2,267,474	3,896,553	2,999,362	3,023,692
	Prior Year End Cash Reserve	1,906,084	1,972,802	1,496,663	1,780,603	981,954
	Total Revenues	9,970,051	4,240,276	5,393,216	4,779,964	4,005,647

CAPITAL IMPROVEMENT FUND						
EXPENDITURES						
Account	Description	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
Maintenance & Debt						
51-53-425	Community Center Loan Portion	232,180	232,180	232,180	232,180	0
51-77-430	Lewis Street Loan Portion	179,633	179,633	179,633	179,633	179,633
51-57-400	Visitor Center Lease/Purchase	0	0	0	92,000	18,147
51-46	Planning & Building Capital	98,754	85,583	182,122	87,011	178,151
51-61	Streets Department	521,051	411,160	536,112	418,307	429,751
51-68	Parks Department	267,038	263,080	297,741	281,536	282,743
51-70	Facilities Maintenance Department	195,484	191,733	202,873	200,785	208,104
	Total Maint. and Debt Expenditures	1,494,140	1,363,369	1,630,660	1,491,451	1,296,529

Capital Improvement Expenditures		2013 Budget	2013 Estimate	2014 Budget	2014 Estimate	2015 Budget
Town Clerk/Town Hall						
51-42-281	Technology	1,700	1,713	1,700	2,300	500
51-42-222	Telephone System Upgrades	20,000	8,800	0	1,000	500
	subtotal	21,700	10,513	1,700	3,300	1,000
Town Manager/Administration						
51-44-281	Technology	250	419	250	250	250
51-44-400	DOLA Intern	41,500	0	0	0	0
51-44-410	DOLA fiberoptics and wi-fi grant	627,000	377,172	0	51,000	0
51-44-	Downtown City Market Renovation	1	0	0	0	0
	subtotal	668,751	377,591	250	51,250	250
Municipal Court						
51-48-281	Technology	250	140	1,800	4,800	2,500
51-48-285	Court Security	0	0	4,000	3,825	0
	subtotal	250	140	5,800	8,625	2,500
Police/Safety						
51-51-281	Technology	4,000	3,984	4,000	4,000	4,000
51-51-408	Vehicle/Maintenance and Repairs	0	0	18,000	15,000	18,000
51-51-	Public Safety/Traffic Enforcement	0	0	0	0	7,500
51-51-806	Police Car	80,000	76,452	80,000	80,000	25,000
	subtotal	84,000	80,436	102,000	99,000	54,500
Community Center						
51-53-400	Operations Costs	11,349	11,349	11,349	11,349	11,349
51-53-450	Capital Improvements	6,400	6,400	6,400	6,400	6,400
	subtotal	17,749	17,749	17,749	17,749	17,749
Recreation						
51-56-281	Technology	400	1,166	1,100	1,135	1,000
51-56-449	Recreation Equipment	2,000	1,816	2,000	2,000	2,000
	subtotal	2,400	2,982	3,100	3,135	3,000
Streets						
51-77-424	Street Paving and Maintenance	140,000	66,944	320,000	10,000	50,000
51-77-	8th Street Reconstruction	0	0	0	0	600,000
51-77-	Piedra Street Reconstruction	0	0	0	0	0
51-77-	Crestview Paving (CMAQ)	0	0	0	0	180,000
51-77-447	Majestic Drive Paving (CMAQ)	635,000	13,311	635,000	525,000	0
51-77-431	McCabe Creek Culvert	20,000	7,483	0	500	6,000
51-77-426	Lewis Street Reconstruction	75,012	75,012	0	0	0
	subtotal	870,012	162,749	955,000	535,500	836,000
Sidewalks						
51-77-427	Misc Concrete/Sidewalks	40,000	914	40,000	40,000	40,000
51-77-472	Main Street Sidewalk Improvement	144,000	52,270	44,000	20,000	100,000
51-77-475	Cross Walk Improvements	0	1,281	0	0	0
	subtotal	184,000	54,464	84,000	60,000	140,000

CAPITAL IMPROVEMENT FUND					
Parks					
51-77-452	Town Parks Improvements	20,000	13,889	30,000	25,000
51-77-544	River Restoration Project	100,000	100,296	65,000	15,000
51-77-550	Parks Equipment	20,000	12,073	20,000	20,000
51-77-555	Resource Management	17,000	16,580	17,000	30,000
51-77-560	Raw Water Irrigation Centennial	44,000	43,965	0	0
51-77-572	Reservoir Hill Park Development	4,440,000	10,793	0	0
51-77-573	Loucke Ditch	0	17,237	10,000	2,500
51-77-	Centennial Park Restroom	0	0	0	80,000
51-77-	River Center Riverwalk Repaving	0	0	0	25,000
	subtotal	4,641,000	214,833	142,000	177,500
Trails					
51-77-631	Town to Pagosa Lakes Trail West Phase	475,000	242	445,000	30,000
51-77-485	8th Street Sidewalk/East Trail CDOT	298,296	67,613	298,296	50,000
51-77-632	Town to Pagosa Lakes Trail Harman Hill	0	0	60,000	500
51-77-633	Trails Planning TTPL and Riverwalk	0	0	50,000	0
51-77-634	Riverwalk Trail to 6th St Bridge	220,000	21,316	195,000	195,000
51-77-663	6th Street Pedestrian Bridge	0	883	734,000	734,000
51-77-	Riverwalk Trail Expense	0	0	0	50,000
	subtotal	993,296	90,054	1,782,296	1,009,500
Geothermal Exploration					
51-77-700	Geothermal Power Plant Project	74,500	74,500	200,000	200,000
51-77-	Geothermal Greenhouse Partnership	0	0	25,000	0
51-77-	McCabe Creek Reconstruction				40,000
	subtotal	74,500	74,500	225,000	200,000
Visitor Center					
51-77-	Visitor Center Building and Maintenance	0	0	0	100,000
	subtotal	0	0	0	100,000
Other					
51-77-459	Wayfinding Plan/Medians	25,000	25,000	25,000	25,000
51-77-460	Mural on Main Street	1	2	1	1
51-77-454	Street Backhoe/Equipment	16,000	15,996	16,000	16,000
51-77-456	Street Vehicle/Water Truck	12,500	12,500	0	0
51-77-	Water Treatment Walls and Bridge Restoration	0	0	0	125,000
	subtotal	53,501	53,498	41,001	41,001
	Total Improvement Expenditures	7,611,159	1,139,510	3,359,896	2,306,560
	Total Maintenance/Debt Expenditures	1,494,140	1,363,369	1,630,660	1,491,451
	Total Improvement Expenditures	7,611,159	1,139,510	3,359,896	2,306,560
	Total Capital Expenditures	9,105,299	2,502,879	4,990,556	3,798,010
	TOTAL CAPITAL REVENUES	9,970,051	4,240,276	5,393,216	4,779,964
	TOTAL CAPITAL EXPENDITURES	9,105,299	2,502,879	4,990,556	3,798,010
	End Year Cash Reserve	864,752	1,737,397	402,660	981,954
	Restricted 3% Tabor	273,159	75,086	149,717	113,940
	Unrestricted Reserve	591,593	1,662,311	252,943	868,014

a 3% increase over end of year 2014.

Streets

b 8th Street Paving Project - \$400,000 from Roads impact fees balance from CIP

c \$250,000 Town Match, CMAQ Grant Funds \$385,000 -Majestic Paving \$110,000 from Impact fees \$140,000 CIP

c CMAQ Funds for paving crestview. Preliminary Surveying and engineering

Parks

d Monitoring wetlands by the parks dept, river monitoring of whitewater features, environmental, \$20K Resv Hill trimming Grant match

e \$85,000 fishing is fun grant expended in 2013

f Gazebo construction on Reservoir Hill

p Paving Riverwalk behind River Center fall 2014; funds from balance of Loucke's Ditch (\$7,500), Town Parks Improvements and Parks Equipment line items

Trails

g \$200,000 PROST funds towards TTPL West Phase

g \$45,000 -PLPOA contribution to TTPL West Phase

g \$200,000 State Trails grant for design and construction TTPL West Phase

h CDOT Hwy 160 trail/sidewalk between 8th and 10th St \$261,796 (\$298,296 = \$23,500 additional award in 2014) \$47K match

i CDOT TAP TTPL Harman Hill Trail Phase, \$1.1 mil project \$882K grant \$35K Town + \$200 PROST match - Built and reimbursed 2016

j Complete Interpretive signage along new trail segment

k 6th Street Pedestrian Bridge \$734K project \$385K match -Apply in April award June

CAPITAL IMPROVEMENT FUND

l GOCO Planning Grant \$40K Riverwalk and TTPL

Geothermal

m Seed Money for Geothermal Authority

r Installation of new geothermal line under new McCabe Creek open Channel in San Jaun Alley \$40K from Geo/\$40K CIP

Other

n Speed warning trailer

o 1 Animal Control Vehicle - pass down old car to Town

q Historic Preservation grants for restoring water treatment plant / Mural on Main. Interpretive signage / other, Town match up to 25%.

BUILDING/PLANNING PROJECTS CAPITAL DEPARTMENT						
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
51-46-110	Special Projects Manager	45,188	44,927	48,501	38,935	49,845
51-46-133	Travel/Training/Meetings	1,500	1,527	1,500	500	1,500
51-46-131	FICA	3,457	3,004	3,710	2,979	3,813
51-46-132	Insurance	13,650	13,298	13,985	10,800	9,500
51-46-134	Pension	2,259	2,246	2,425	1,947	2,492
	subtotal	66,054	65,003	70,122	55,161	67,151
COMMODITIES						
51-46-202	Office Supplies	750	589	750	750	750
51-46-212	Vehicle Repair	250	154	3,250	100	3,250
51-46-281	Technology	700	1,028	2,000	2,000	1,000
51-46-406	Planning Studies/Grants	0	0	75,000	0	75,000
51-46-441	Annexations	5,000	1,248	5,000	3,000	5,000
51-46-450	City Works Programs	26,000	17,561	26,000	26,000	26,000
	subtotal	32,700	20,580	112,000	31,850	111,000
	TOTAL MAINTENANCE BUDGET	98,754	85,583	182,122	87,011	178,151

ε Used Tahoe from police department maintenance expected

b Tablet for Building Official

c Comp Plan update quotes \$45,000 -\$80,000

d Mill Creek Road and other possible annexations

ε Staff recommends the Town consider dropping city works and utilizing other data tracking software

STREETS DEPARTMENT

Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
51-61-110	Street Superintendent	62,223	62,207	63,432	63,432	65,190
51-61-110	Equipment Operator III	39,267	39,310	40,727	40,727	41,856
51-61-110	Equipment Operator II	38,583	39,957	37,321	37,321	38,356
51-61-110	Equipment Operator I	38,583	38,573	39,333	39,333	40,423
51-61-110	Equipment Operator I	36,059	0	34,200	0	0
51-61-131	FICA	16,426	12,903	16,449	13,832	14,216
51-61-132	Insurance	55,000	44,266	67,474	41,700	42,870
51-61-133	School/Travel	3,500	2,532	3,500	2,500	2,500
51-61-134	Pension	10,736	8,762	10,751	9,041	9,291
	Subtotal	300,376	248,510	313,187	247,887	254,701
COMMODITIES						
51-61-202	Office Supplies	200	67	200	0	200
51-61-212	Fuel&Oil	28,000	22,105	28,000	26,000	26,000
51-61-222	Tires	4,000	3,942	6,000	6,000	4,000
51-61-228	Gravel/Asphalt	30,000	11,949	30,000	20,000	20,000
51-61-230	Culverts	2,000	1,109	2,000	3,170	2,000
51-61-234	Street Lighting	43,000	40,751	43,000	43,000	44,000
51-61-281	Techology	0	0	250	250	250
51-61-439	Street Lighting Maintenance	2,000	154	2,000	2,000	2,000
	Subtotal	109,200	80,077	111,450	100,420	98,450
CONTRACTUAL						
51-61-402	Telephone Cellular	475	465	475	600	1,100
51-61-406	Maintenance-Vehicles	30,000	20,201	30,000	18,000	20,000
51-61-410	Uniforms	5,000	3,225	5,000	5,000	5,000
51-61-418	Cemetery Maintenance	5,000	73	5,000	5,400	2,000
51-61-434	Utilities/Shop	16,000	13,619	16,000	16,000	16,500
51-61-436	Maintenance-Roads	30,000	33,657	30,000	15,000	20,000
51-61-444	Sweeper Maintenance	5,000	1,511	5,000	6,500	5,000
51-61-460	Clean-Up Week	10,000	4,632	10,000	3,500	7,000
51-61-470	Lightpole Banners	10,000	5,190	10,000	0	0
	Subtotal	111,475	82,572	111,475	70,000	76,600
	TOTAL STREETS BUDGET	521,051	411,160	536,112	418,307	429,751

PARKS DEPARTMENT						
Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
51-68-110	Parks Manager	46,156	46,144	47,053	47,053	48,356
51-68-110	Parks Maintenance II	34,251	34,304	35,726	35,726	36,716
51-68-110	Parks Maintenance II	33,181	33,316	35,726	35,726	36,716
51-68-111	Parks Maintenance Part time	32,100	43,624	47,724	47,724	49,046 ^a
51-68-131	FICA	11,145	10,057	12,717	12,717	13,069
51-68-132	Insurance	36,525	35,669	38,270	34,065	33,150
51-68-134	Pension	5,679	5,688	5,925	5,925	6,089
51-68-135	Training/Travel/Dues	0	0	1,500	1,500	1,500
	Subtotal	199,038	208,803	224,641	220,436	224,643
COMMODITIES						
51-68-212	Fuel/Oil	5,000	7,386	8,000	8,000	8,000
51-68-216	Park/Field Maintenance	30,000	21,761	30,000	23,000	20,000
51-68-218	Park Utilities	30,000	23,150	30,000	25,000	25,000
51-68-220	Vehicle Maintenance	1,500	1,562	2,500	2,500	2,500
51-68-281	Technology	0	0	1,100	1,100	1,100
51-68-402	Telephone	1,000	369	1,000	1,000	1,000
51-68-816	Town Tree Program	500	50	500	500	500
	Subtotal	68,000	54,277	73,100	61,100	58,100
	TOTAL PARKS BUDGET	267,038	263,080	297,741	281,536	282,743

a Three summer seasonal workers

FACILITIES MAINTENANCE DEPARTMENT

Account		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
51-70-110	Maintenance Director	49,896	49,884	50,865	50,865	52,274
51-70-111	Part Time Help	1,500	0	1,500	1,510	1,500
51-70-112	Building Maintenance Tech II	31,636	31,665	32,738	32,738	33,645
51-70-112	Building Maintenance Tech II	31,636	31,665	32,738	32,738	33,645
51-70-133	Travel/Training	500	493	250	250	250
51-70-131	FICA	8,657	8,836	9,015	9,016	9,261
51-70-132	Insurance	36,400	36,676	39,100	39,101	39,200
51-70-134	Pension	5,658	5,661	5,817	5,817	5,978
51-70-410	Uniforms	1,600	1,329	1,600	1,600	1,600
	subtotal	167,484	166,206	173,623	173,635	177,354
CONTRACTUAL						
51-70-206	Janitorial Supplies	6,000	5,226	6,000	4,000	6,000
51-70-281	Technology	0	0	250	0	250
51-70-402	Telephone	550	383	550	550	800
51-70-406	Vehicle Fuel/Maintenance	2,000	2,103	3,000	3,000	4,000
51-70-435	Town Hall Improvements	1,200	550	1,200	0	1,200
51-70-436	Town Hall Maintenance	12,000	11,918	12,000	14,200	12,000
51-70-437	Heating/Cooling Maintenance	2,000	1,840	2,000	2,000	2,000
51-70-438	Building Electric Maintenance	1,000	685	1,000	0	1,000
51-70-440	Elevator Maintenance	2,050	2,203	2,050	2,200	2,300
51-70-442	Furnishing Town Hall	1,200	618	1,200	1,200	1,200
	subtotal	28,000	25,527	29,250	27,150	30,750
TOTAL MAINTENANCE BUDGET						
		195,484	191,733	202,873	200,785	208,104

CONSERVATION TRUST FUND						
		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
Revenue						
21-37-530	Town Lottery	17,000	18,536	17,000	17,000	17,000
21-37-700	County Lottery	30,000	30,000	30,000	30,000	30,000
	Subtotal	47,000	48,536	47,000	47,000	47,000
	Prior Fund Balances	56,745	56,745	76,505	76,505	53,505
	TOTAL REVENUES	103,745	105,281	123,505	123,505	100,505
Expenditures						
21-40-800	Parks & Rec Maintenance	0	0	50,000	50,000	5,000
21-40-910	Yamaguchi Park	30,000	28,776	20,000	20,000	10,000
21-40-	Skate Park	0	0	0	0	32,000
	Subtotal	30,000	28,776	70,000	70,000	47,000
	Total Expenditures to CIF	30,000	28,776	70,000	70,000	47,000
	TOTAL REVENUES	103,745	105,281	123,505	123,505	100,505
	TOTAL EXPENDITURES	30,000	28,776	70,000	70,000	47,000
	Ending Fund Balance	73,745	76,505	53,505	53,505	53,505

a Park improvements/refinements and equipment

TRUST/IMPACT FUND						
		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
Revenue						
31-22-600	Roads	8,900	118,005	8,000	429,000	8,000
31-22-700	Regional Public Buildings	3,250	3,329	2,863	4,751	0
31-22-710	Town Public Buildings 2013	0	4,735	0	16,150	0
31-22-800	Regional Recreation Facilities	0	0	0	0	0
31-22-810	Recreational Facilities 2013	0	2,904	0	3,267	0
31-22-900	Parks	0	2,944	0	3,312	0
31-23-000	Trails	0	5,216	0	5,868	0
31-23-100	Emergency Service Provider	4,200	26,299	3,600	79,715	3,600
31-23-200	Water Storage	2,000	1,931	1,900	2,228	1,900
31-23-300	School Fees	0	2,264	0	2,496	1,200
31-23-350	Administration	190	619	100	1,725	100
31-23-410	East End Trail Donations	0	5,000	0	0	0
31-23-450	Pinon Lake Fountain	2,000	835	2,000	0	0
31-23-460	Fireworks Fund	2,000	3,500	0	0	0
31-23-550	Whitewater Fund	0	0	0	0	0
31-23-560	Jim Guyton Memorial Fund	0	0	0	0	0
31-23-580	Marky Egan Scholarship	0	0	0	0	0
31-23-590	Reservoir Hill Ticket Tax	8,000	9,315	8,000	9,000	8,000
31-23-600	Park User Admission Fee	0	1,197	1,000	0	1,000
	Subtotal	30,540	188,094	27,463	557,612	23,800
	Prior Fund Balances	80,139	114,254	259,145	283,964	560,851
	TOTAL REVENUES	110,679	302,348	286,608	841,476	584,651

Expenditures						
31-22-600	Roads	0	0	110,000	0	0
31-22-601	Majestic Drive	0	0	0	110,000	
31-22-602	8th Street Paving Project	0	0	0	0	400,000
31-22-700	Regional Public Buildings	0	0	0	66,557	2,780
31-22-710	Town Public Building 2013	0	0	0	0	0
31-22-800	Regional Recreational Facilities	0	800	0	17,630	0
31-22-810	Recreation Facilities 2013	0	0	0	0	0
31-22-900	Parks	0	0	0	0	0
31-23-000	Trails	0	0	0	0	0
31-23-100	Emergency Service Provider	4,734	26,679	3,600	79,714	4,500
31-23-200	Water Storage	2,276	1,990	1,900	2,228	1,900
31-23-300	School	0	2,264	0	2,496	1,200
31-23-350	Administration	250	0	2,000	2,000	0
31-23-410	East End Trail Donations	0	0	0	0	0
31-23-450	Pinon Lake Fountain	0	4,136	2,000	0	0
31-23-460	Fireworks Fund	0	22	0	0	0
31-23-550	Whitewater Fund	0	0	0	0	0
31-23-560	Jim Guyton Memorial Fund	0	0	0	0	0
31-23-580	Marky Egan Scholarship	0	0	0	0	0
31-23-590	Reservoir Hill Ticket Tax	8,000	0	0	0	0
31-23-600	Park User Admission Fee	0	0	0	0	0
	Total Expenditures	15,260	35,891	119,500	280,625	410,380

	TOTAL REVENUES	110,679	302,348	286,608	841,476	584,651
	TOTAL EXPENDITURES	15,260	35,891	119,500	280,625	410,380
	Ending Fund Balance	95,419	266,457	167,108	560,851	174,271

a Roads - Tractor Supply \$95,392, Walmart \$409,227

Account Balance						
31-22-600	Roads	21,890	130,996	28,996	449,996	57,996
31-22-700	Regional Public Buildings	69,258	69,337	72,200	7,531	4,751
31-22-710	Town Public Building 2013	0	4,735	4,735	20,885	20,885
31-22-800	Regional Recreational Facilities	24,867	24,067	24,067	6,437	6,437
31-22-810	Recreation Facilities 2013	0	2,904	2,904	6,171	6,171
31-22-900	Parks	925	3,869	3,869	7,181	7,181
31-23-000	Trails	1,167	6,383	6,383	12,251	12,251
31-23-100	Emergency Service Provider	3,978	4,132	4,132	4,133	3,233
31-23-200	Water Storage	1,673	1,890	1,890	1,890	1,890
31-23-300	School	277	277	277	277	277
31-23-350	Administration	202	881	-1,019	606	706
31-23-410	East End Trail Donations	0	5,000	5,000	5,000	5,000
31-23-450	Pinon Lake Fountain	5,302	0	0	0	0
31-23-460	Fireworks Fund	7,987	9,465	9,465	9,465	9,465
31-23-550	Whitewater Fund	320	320	320	320	320
31-23-560	Jim Guyton Memorial Fund	606	606	606	606	606
31-23-580	Marky Egan Scholarship	410	410	410	410	410
31-23-590	Reservoir Hill Ticket Tax	8,178	17,493	25,493	26,493	34,493
31-23-600	Park User Admission Fee	0	1,197	2,197	1,197	2,197
	Ending Fund Balance	147,042	283,964	191,927	560,851	174,271

LODGER'S TAX FUND

		2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
REVENUE						
41-31-500	Lodgers Tax	440,000	444,520	462,000	500,000	540,000
41-31-600	Other Income	0	0	25,000	25,000	0
41-31-650	Misc Revenue	0	200	0	7,017	0
41-31-700	Fireworks	17,300	0	3,500	0	0
	Subtotal	457,300	444,720	490,500	532,017	540,000
	Prior Year End Cash Carryover	105,216	148,487	159,734	159,734	155,534
	TOTAL REVENUES to TTC	562,516	593,207	650,234	691,751	695,534

EXPENDITURES

	PERSONNEL					
41-42-111	Executive Director	0	0	0	0	70,000
41-42-111	Visitor Center Manager	0	0	0	31,368	36,000
41-42-111	Marketing/VC Coordinator	0	0	0	9,360	28,500
41-42-131	FICA	0	0	0	3,116	10,289
41-42-132	Insurance	0	0	0	650	24,800
41-42-134	Pension	0	0	0	1,568	6,725
	Subtotal	0	0	0	46,062	176,314
	COMMODITIES					
41-42-205	External Marketing	150,000	159,413	225,000	225,000	315,000
41-42-210	Event Funding	75,000	74,847	62,500	62,500	40,000
41-42-220	Capital Projects	80,000	28,577	40,000	30,000	-
41-42-	Fish Stocking					10,000
41-42-	Infrastructure					20,000
41-42-	Wayfinding and Signage					25,000
41-42-225	Visitor Information	67,000	62,779	138,500	91,655	-
	Visitor Center Utilities	0	0	0	0	6,000
	Visitor Center Maintenance	0	0	0	0	7,500
	Technology	0	0	0	0	5,000
	Volunteer Appreciation	0	0	0	0	5,000
	Office Expenses	0	0	0	0	5,000
41-42-230	Administration	80,000	79,423	80,000	80,500	0
41-42-235	Fulfillments	30,000	28,433	0	0	27,500
41-42-240	Economic Incentives	10,000	0	2,500	500	2,500
	Subtotal	492,000	433,473	548,500	490,155	468,500
	CONTRACTUAL					
41-42-245	Tax Compliance	1,000	0	0	0	2,500
41-42-255	Fireworks	17,300	0	8,000	0	0
	Subtotal	18,300	0	8,000	0	2,500
	TOTAL REVENUES	562,516	593,207	650,234	691,751	695,534
	TOTAL EXPENDITURES	510,300	433,473	556,500	536,217	647,314
	Ending Fund Balance	52,216	159,734	93,734	155,534	48,219

GEOHERMAL ENTERPRISE FUND

REVENUES

Account	Description	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
SERVICE FEES AND FINES						
55-38-100	Geothermal Utility	40,000	25,693	40,000	35,000	40,500
55-38-300	Geothermal Lease & Heat Tap	1,200	0	1,200	1,197	1,200
	Total Annual Revenues	41,200	25,693	41,200	36,197	41,700
	Prior Year End Cash Reserves	145,488	145,818	95,550	108,408	90,175
	Total Revenues	186,688	171,511	136,750	144,605	131,875

GEOHERMAL ENTERPRISE FUND

EXPENDITURES

Account	Description	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
55-40-133	School/Travel	1,000	890	1,000	500	500
	Subtotal	1,000	890	1,000	500	500
COMMODITIES						
55-40-202	Office Supplies	100	68	100	180	100
55-40-204	Postage	200	154	250	250	250
	Subtotal	300	222	350	430	350
CONTRACTUAL						
55-40-444	Utilities/Electric and Water	15,000	16,113	15,000	12,000	12,000
55-40-446	Legal/Attorney	5,000	5,801	3,000	500	2,000
55-40-438	Engineering	36,500	13,910	5,000	0	5,000
55-40-448	Bookkeeping (paid to Town GF)	5,000	5,000	5,000	5,000	5,000
55-40-450	Insurance (paid to Town GF)	1,000	1,000	1,000	1,000	1,000
55-40-452	Contractual Services Streets Dept	9,500	9,500	9,500	9,500	9,500
55-40-456	Contractual Services Maintenance Dept	4,500	4,500	4,500	4,500	4,500
55-40-	Pagosa Verde Symposium	0	0	0	0	500
55-40-457	1041 Geo Regs DOLA Grant Match	3,300	1,995	0	0	0
	Subtotal	79,800	57,820	43,000	32,500	39,500
CAPITAL IMPROVEMENTS						
55-40-242	Repair Equipment/Meters	2,000	8,823	5,000	5,000	5,000
55-40-244	Repair of Leaks	8,000	2,351	10,000	10,000	10,000
55-40-246	New Pump/Meters	3,500	5,855	5,000	5,000	5,000
55-40-260	Garage Door on Geothermal Building	4,500	0	0	0	0
55-40-	McCabe Creek Reconstruction	0	0	0	0	40,000
55-40-832	Contingency	1,000	0	1,000	1,000	1,000
	Subtotal	19,000	17,029	21,000	21,000	61,000
	Total Geothermal Expenditures	100,100	75,961	65,350	54,430	101,350

	TOTAL REVENUES	186,688	171,511	136,750	144,605	131,875
	TOTAL EXPENDITURES	100,100	75,961	65,350	54,430	101,350
	Year End Carryover Reserve	86,588	95,550	71,400	90,175	30,525



AGENDA DOCUMENTATION

NEW BUSINESS: VI.2

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 18, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: ORDINANCE 816, FIRST READING, INDEMNIFYING TOWN BOARD MEMBERS AND EMPLOYEES

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

During recent contract negotiations with the Town Manager it came to staff's attention that the town council after approval of the home rule charter in 2003 did not formally follow through with an Ordinance indemnifying Town board members and employees. Ordinance 816 completes that action associated with Section 12.10: Indemnification of Personnel of the Town Charter.

The Town Attorney advises approval of Ordinance 816 in order to provide Boards, Commissions, Council Members and employee indemnification by the Town for actions arising out of the normal scope of their duties.

FISCAL IMPACT

There is no fiscal impact

ATTACHMENTS

Ordinance 816

RECOMMENDATION

Possible actions by the Town Council include:

- 1) Approve first reading Ordinance 816, Indemnifying Town Board, Commissions, Council Members and employees.
- 2) Deny first reading Ordinance 816, direct staff to further action.

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 816
(SERIES 2014)**

**AN ORDINANCE OF THE TOWN OF PAGOSA
SPRINGS REVISING AMENDING THE TOWN OF
PAGOSA SPRINGS MUNICIPAL CODE TO ADOPT
AN INDEMNIFICATION POLICY**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012 and April 23, 2013, and April 22, 2014 (the “Charter”); and

WHEREAS, Section 12.10 of the Charter provides that the Town Council, by ordinance, may indemnify against expenses including attorney fees, judgments, fines and settlement amounts actually and reasonably incurred, Town personnel who, as a result of acting in good faith and in a manner he or she reasonably believed to be in the best interest of the Town, is made or threatened to be made a party to an action, suit, or proceeding; and

WHEREAS, the Town Council believes it important to the recruitment and retention of quality and loyal personnel to provide for their indemnification in a manner contemplated by the Charter;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

Section 1. Adoption of Article 6, Chapter 2 of the Pagosa Springs Municipal Code. Article 6, Chapter 2 of the Pagosa Springs Municipal Code is adopted as follows:

CHAPTER 6 INDEMNIFICATION

Sec. 2.6.1 Definitions.

For purposes of this Article, the terms below shall be defined as follows:

- (1) **Officer:** Includes current and former elected or appointed members of the Town Council, the Mayor, elected and appointed officers of the Town, and members of boards, committees and commissions appointed by the Town Council.
- (2) **Officer or Employee:** Includes current and former Officers or Employees, authorized volunteers, and servants of the Town, whether or not compensated,

elected, or appointed. The term “Officer or Employee” specifically excludes any person or organization contracting to perform services or acting for the Town as an independent contractor.

(3) **Scope of Employment:** An act or omission of an Officer or Employee is within the “scope of employment” if it reasonably relates to the business or affairs of the Town, and the Officer or Employee acted in good faith and in a manner which a reasonable person would have believed to be in, and not opposed to, the best interests of the Town.

(4) **Act:** Means the Colorado Governmental Immunity Act set forth in Article 10, Title 24, C.R.S., as amended from time to time.

Sec. 2.6.2 Indemnification of Officers and Employees Under the Act.

(1) The Town shall pay the costs and expenses actually and reasonably incurred by an Officer or Employee in connection with the defense of any allegation, action and proceeding arising out of an act or omission of such person during the performance of such Officer’s or Employee’s duties within the scope of such person’s employment, including reasonable attorneys’ fees, where the action lies or could lie in tort, including any such action brought pursuant to Federal law in any court of this State, in accordance with the Act.. As a prerequisite to such payment, the Officer or Employee must furnish the Town with an affidavit stating that the action against him is not purely personal; that, to his or her reasonable belief, the act or omission upon which the claim is based reasonably relates to the business affairs of the Town; and that the Officer or Employee acted in good faith and in a manner which a reasonable person would have acted under the circumstances and which was not opposed to the best interests of the Town. However, the Town shall not pay such judgment or settlement and shall seek reimbursement from the Officer or Employee for the actual costs of his or her defense, including actual attorneys’ fees, where it is determined by a court of competent jurisdiction that: (1) the injuries did not arise out of an act or omission of the Officer or Employee occurring during his or her term of employment with the Town or within his or her scope of employment, or (2) unless otherwise expressly authorized by the Town Council in the manner accomplished or omitted, the Officer’s or Employee’s act or omission was willful and wanton.

(2) All claims to be paid as a result of the indemnification provided hereunder shall be paid by the Town or its insurer, except as set forth in Section 2.6.11, below. The Town shall pay judgments and settlements in accordance with the Act even if sovereign immunity bars the action against the Town.

Sec. 2.6.3 Limitations on Unlawful Acts.

The Town, acting through its Town Council, shall have absolute discretion regarding the payment of costs of defense, including reasonable attorneys' fees and any fines or penalties assessed, where a criminal action is brought against its Officer or Employee for acts or omissions occurring during his or her term of employment with the Town and within his or her scope of employment. Prior to such payment, the Officer or Employee must furnish the Town with an affidavit stating that the action against him is not purely personal; that to his or her reasonable belief the act of omission upon which the claim is based occurred within his or her scope of employment; and that he had no reasonable cause to believe his or her conduct was unlawful. The Town shall not pay such fines or penalties, and shall be reimbursed by the Officer or Employee for the actual costs of his or her defense, including actual attorneys' fees, where it is determined by a court of competent jurisdiction (a) that the alleged criminal action did not arise out of an act or omission by the Officer or Employee occurring during his or her term of employment with the Town and within his or her scope of employment, or (b) that the Officer or Employee had reasonable cause to believe his or her conduct was unlawful.

Sec. 2.6.4 Contract or Other Actions.

The Town shall pay the cost of defense of, and settlements and judgments against, its Officers or Employees, including reasonable attorneys' fees, where the action lies, or could lie, in contract or arises under State or Federal laws and is not governed by the Act, except for criminal actions as otherwise addressed in this Article. As a prerequisite to such payment, the Officer or Employee must furnish the Town with an affidavit stating that the action against him is not purely personal and that, to the best of his or her reasonable belief, the act or omission upon which the claim is based occurred within the scope of his or her employment. The Town shall not pay such judgments and shall be reimbursed by the Officer or Employee for the actual costs of his or her defense, including actual attorneys' fees, where it is determined by a court of competent jurisdiction that: (1) the damages did not arise out of an act or omission of the Officer or Employee occurring during his or her term of employment with the Town and within the scope of his or her employment, or (2) the Officer or Employee had reasonable cause to believe such action or contract was prohibited by law.

Sec. 2.6.5 Notice of Action or Potential Action.

The Town hereby incorporates the notice prerequisite to defense and indemnification of its Officers or Employees pursuant to all provisions of the Act for tort, contract or any and all other forms of action. Notice must be given to the Town by the

Officer or Employee in writing within fifteen (15) days after commencement of the action or indemnification will not be made.

Sec. 2.6.6 No Indemnification for Personal Acts or Omissions.

In no event will the Town indemnify or pay the defense cost if it is adjudged that the Officer or Employee has acted or omitted to act primarily for personal benefit or on the basis of other improper benefit, whether or not the Officer or Employee is acting in his or her official capacity.

Sec. 2.6.7 Settlement.

The Town, acting through its Town Council, shall approve in writing any settlement of claims and stipulated judgments against its Officers or Employees. The Town shall not be liable for any such compromise or settlement given without its consent.

Sec. 2.6.8 Legal Counsel.

The Town shall obtain legal counsel to serve as counsel to the Officer or Employee unless it appears to such counsel that the interests of the Town and the Officer or Employee may be adverse. In the latter event, the Officer or Employee may select independent legal counsel, who shall first be approved by the Town. The Officer or Employee shall cooperate in all respects with the Town and its legal counsel in his or her defense. If the Officer or Employee does not cooperate with the Town for any reason, and such action results in a judgment against the Town or the Officer or Employee, the Town may elect not to indemnify the Officer or Employee or to pay defense costs.

Sec. 2.6.9 Officer's or Employee's Costs.

The Town shall not be responsible for costs to its Officers or Employees associated with time spent in giving depositions, testifying, or otherwise cooperating with their defense, except to the extent such compensation is required by applicable wage laws for employees.

Sec. 2.6.10 Liability Limitations.

The Town shall indemnify any Officer or Employee up to but not to exceed the applicable limitations under the Act for actions that lie or could lie in tort. The Town specifically reserves any defenses which are available to Officers or Employees under the Act or by common law.

Sec. 2.6.11 Effect of Other Insurance, Bond, or Indemnification Plan.

If the Town has insurance coverage for any act for which indemnification is provided by this Article, its coverage shall be primary. If the Officer or Employee against whom a claim reimbursable under this Article is asserted has any other valid insurance, bond, or indemnification plan available covering the loss or damage alleged against him, and the Town does not have adequate insurance coverage, and the act for which indemnification is sought is other than an action sounding in tort, such insurance, bond, or other plan will be first applied to the payment of any defense costs, attorneys' fees, or claim/judgment before the Town's resort to obtaining funds for indemnification from sources other than insurance. The obligation of the Town to indemnify and save harmless the Officer or Employee shall, in all events, exist only to the extent permitted by this Article.

Sec. 2.6.12 Subrogation Rights of the Town.

In the event of any payments pursuant to this Article, the Town or its assigns shall be subrogated to all of the Officer's or Employee's rights of recovery therefor against any person or entity. The Officer or Employee shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The Officer or Employee shall do nothing to prejudice such rights.

Sec. 2.6.13 Purpose.

The purpose of this Article is to protect Officers or Employees of the Town against personal liability for their actions taken on behalf of the Town. It is the intent of the Town that this Article be liberally construed in favor of the protection of such Officers or Employees. By the adoption of this Article, the Town does not waive its rights to claim for itself, its officers or its employees sovereign immunity as a defense to any action, or any other defense under the Act or as provided by law.

Section 2. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY
PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE
CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,
COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS
REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE
____ DAY OF _____, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY
TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME
RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA
SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND
PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA
SPRINGS, ON THE ____ DAY OF _____, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ____ (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of _____, 2014, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2014, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2014.

April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ____ (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ____ day of _____, 2014, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2014.

April Hessman, Town Clerk

(S E A L)



AGENDA DOCUMENTATION

NEW BUSINESS: VI.3

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 02, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: CONSTRUCTING PORTION OF EAST PHASE COMMUTER TRAIL ADJACENT TO LIBRARY

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

Recently, the Town received a request from the Library, requesting the Town install the trail segment along their property this year. The Library has just about completed a large culvert replacement, and to complete the project they need to re-vegetate along the Hwy, however, they are reluctant to do so, knowing the upcoming trail project between 8th and 10th Streets will just tear up a good portion of what they replant.

Originally the Town was to have started the entire trail project between 8th Street and 10th Street, including a sidewalk along the east side of 10th Street, with completion by the end of the 2014 construction season. Due to a number of issues that included delays from CDOT regarding notice to proceed with easement acquisitions and the delays in receiving donation documents from property owners (the Town has received the Library trail easement donation), the majority of the project cannot occur this construction season. The project is now anticipated to go out to bid in the winter for spring - early summer construction.

Following is a recent correspondence received from Jackie Welch, Director of the Ruby M. Sisson Memorial Library, requesting the Town move forward with the trail segment abutting the Library.

Hi James,

I wanted to let you know that most of the work associated with the replacement of the culvert is finished. All that remains is to landscape the front of the library, which we do not plan to do until the Town to Lakes Trail fronting the library is complete. It doesn't make sense to put in landscaping when there is still major construction taking place on the site.

I recently heard that the Town Council may not begin work on the trail this year. This is unfortunate since the Board of Trustees agreed to include the replacement of the culvert when we did and the expansion of the parking lot so we wouldn't hold up the construction of the trail project. Since the Library donated a forty-foot easement to the Town for this project, we are concerned about the impression people will have of the Library if the land allocated for the trail is left to be taken over by weeds. We don't want the corner of Hwy. 160 and 8th Street to take on an air of neglect.

I would like to thank James for his help as we went through our recent building project. James was always available to come to our board meetings and answer our questions. It was a pleasure working with him. All the best, Jackie Welch, Director, Ruby M. Sisson Memorial Library.

The Library has completed their donation documentation for the requested Trail Easement. The Library has also offered to give the Town 10 feet of the property along the San Juan Alley to add to the Town's Alley ROW width. This will come to Town Council for formal acceptance at the October 8th TC meeting.

ANALYSIS

In preparation for the September 18, 2014 TC meeting, Staff conducted some inquiries regarding the possibility of accommodating the Library's request, if approved by Town Council.

CDOT: Town Staff has received permission from CDOT to install the trail segment along the north side of the Library this season, prior to receiving a notice to proceed for the entire project, if the Town pays for the short trail project outside of the original full project scope & budget. The notice to proceed will be issued as

soon as property donations have been received and final federal approval is received. At this point, the commercial property donation is expected within the next 4 months, much later than originally expected.

Contractor Bids: Town Staff requested three written bids for the lineal foot Library Trail project. Bids will be presented at the Town Council meeting for consideration. Being the library trail project is estimated under \$25,000, we are only required to request 3 written quotes versus an advertised RFP process, which is required for projects over \$25,000.

Engineers Input: The Current engineers estimate for the entire 8th – 10th Street trail project is estimated at up to \$18,704 over the budgeted and awarded funding. The estimate for the Library Trail segment is \$20,000 plus \$2,000 - \$4,000 in additional engineering costs. The Town will save approximately \$5,000 in replacing landscaping/irrigation and the elimination of the typical additional CDOT required work. The Current project estimated is \$18,704 over the budgeted and awarded funds, thus the Town will end up paying for this overage in the long run. Under this analysis, the town would save \$1,000 or expense up to \$300.

Currently, the engineers estimated total trail project is \$347,000. Awarded CDOT funds total \$261,796.00 with \$66,500.00 in Town allocated matching funds, for a total of \$328,296.00. It is currently anticipated the total trail project cost will be approximately \$18,704 over the funding currently available for the project. This cost overrun is ultimately the responsibility of the Town.

Benefits of accommodating the Library's request to install the trail segment include:

- 1) Being a good neighbor with the Library. They are offering 10 feet of property for the town to add as Alley ROW, and have donated the trail easement at no cost. Library also just completed a \$150,000 culvert replacement project in addition to a parking lot expansion. All can be considered contributions to the community as a whole.
- 2) The Town will actually save some \$\$ in that we will not have to replace landscaping and irrigation that we tear up at the library and we will not have additional construction requirements from CDOT (that can add a substantial amount to our project costs). Estimated savings appear to be at least \$5,000 (enough to offset additional engineering costs estimated at \$2,000 - \$4,000).
- 3) The upstream trail project will have a shorter 75 day construction period next spring, instead of 90 days.
- 4) Visible progress of the trail project, demonstrating to the community we are moving forward with the commuter trail project.
- 5) The full scope of the trail/sidewalk project is anticipated to be over budget by approximately \$18,000 - \$22,000 (current engineers estimate with concrete trail which staff recommends), which the town will be required to cover, either now or at the end of the project. The full scope also includes trail lighting.

FISCAL IMPACT

As described above, constructing the library portion of the east phase trail this year versus constructing as part of the entire east phase in 2015, will cost the Town approximately the same amount funding.

ATTACHMENTS

~ Letter of request from the Library

RECOMMENDATION

Staff recommends that Town Council consider the construction of 200 lineal feet of concrete surfaced trail adjacent to the Library, along Hwy 160. Alternate considerations include, but are not limited to:

- 1) "APPROVE staff to move forward to construct the Trail adjacent to the Library in 2014, and further selecting "Contractor to be Determined" as the awarded contractor for the project.
- 2) "APPROVE staff to move forward to construct the Trail adjacent to the Library in 2014, and further selecting "Contractor to be Determined" as the awarded contractor for the project, with additional direction to staff.
- 3) DENY the proposal to construct the Library Trail segment separate from the entire east phase trail scope.



Ruby M. Sisson
MEMORIAL
LIBRARY

September 10, 2014

Don Volger, Mayor
Pagosa Springs Town Council
PO Box 1859
Pagosa Springs, CO 81147

Dear Mayor Volger,

I wanted to let you know that most of the work associated with the replacement of the culvert is finished. All that remains is to landscape the front of the library, which we do not plan to do until the Town to Lakes Trail fronting the library is complete. It doesn't make sense to put in landscaping when there is still major construction taking place on the site.

I recently heard that the Town Council may not begin work on the trail this year. This is unfortunate since the Board of Trustees agreed to include the replacement of the culvert when the Library did the expansion of our parking lot so we wouldn't hold up the construction of the trail project. Since the Library donated a forty-foot easement to the Town for this project, we are concerned about the impression people will have of the Library if the land allocated for the trail is left to be taken over by weeds. We do not want the corner of Hwy. 160 and 8th Street to take on an air of neglect.

I would like to thank James Dickhoff for his help as we went through our recent building project. James was always available to come to our board meetings and answer our questions. It was a pleasure working with him.

Sincerely,

Jacqueline Welch
Director



AGENDA DOCUMENTATION

NEW BUSINESS: VI.4

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 18, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: GEOTHERMAL GREENHOUSE PARTNERSHIP (GGP) STATUS UPDATE AND REQUEST FOR SPONSORSHIP OF AN ENERGY IMPACT GRANT APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

In February 2010, the Town of Pagosa Springs entered into a Ground Lease with the Southwest Land Alliance (SLA) authorizing a lease of a portion of land in the Town's Centennial Park and the lease of a geothermal water tap. The purpose of the Ground Lease was to allow a dedicated group of individuals to develop and build geothermal botanical greenhouses. The term of the Ground Lease was for a period of nine years beginning February 2010 and continuing through a set of successive renewals until 2019. In 2012, Ordinance No. 769 was passed by the Town Council authorized the termination of the ground lease and water tap with SLA and re-authorizing the same ground lease and water tap with the GGP. The initial term also ends in 2019, but a renewal option was added for another possible 25 years in 5 year successive terms. Last, the Town has committed \$25,000 in seed money for the GGP and is presently a budgeted item in the Town's 2014 Adopted Budget.

The GGP has spent considerable time in the past two years in organizing as a 501(c)3 entity and seeking funding for the development and the initial design and planning work for the construction of the geothermal greenhouses. The GGP currently has secured approximately \$125,000 consisting of the following commitments:

- \$ 25,000	Town of Pagosa Springs
- \$ 25,000	Laura Jean Musser Foundation
- \$ 25,000	San Juan Basin Roundtable
- \$ 50,000	Colorado Water Conservation Board
\$125,000	TOTAL

Presently, the GGP would like to attempt to leverage this funding to secure additional funding from the state Department of Local Affairs (DoLA) through the Energy and Mineral Impact Assistance Fund.

DoLA Energy and Mineral Impact Assistance Funds

The purpose of the Energy and Mineral Impact Assistance Program is to assist political subdivisions that are socially and/or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels. Funds come from the state severance tax on energy and mineral production and from the state's share of royalties paid to the federal government for mining and drilling on federally-owned land.

Eligible entities to receive grants and loans include municipalities, counties, school districts, special districts and other political subdivisions and state agencies. The program includes categorizing grants into three tiers and this project would be a Tier II grant, described as follows:

The Tier II grant program is intended to support a wide variety of community development projects to improve quality of life in communities.

- Grant awards greater than \$200,000 up to \$2,000,000.
- Applications for grant consideration will be expected to include a minimum match of 25%. Larger matching amounts are generally more competitive.
- Applications for this program are reviewed by the Advisory Committee with the final decision by the DoLA Executive Director.

Review/Analysis

Due to the Energy and Mineral Impact Assistance Funds program guidelines, it is a governmental entity that has to be the applicant for the funds. Furthermore, it is the applicant (governmental entity) that owns whatever is purchased by the funds. The GGP would like to apply for \$200,000 and the grants require a minimum of 25% match funding. However, it is suggested that a dollar for dollar match is helpful to be competitive for an award. To get the dollar for dollar match, there would need to be an additional \$80,000. It has been suggested that a commitment to place bathrooms at the greenhouse location by the Town would help improve the chances of the application. Consequently, a placeholder of \$80,000 has been inserted in the Proposed 2015 Budget.

The Town Council needs to be aware of the potential significance is agreeing to be the applicant for the DoLA grant funding on behalf of the GGP: Prior to now, the Town has essentially been in the position of being a “lessor” of land and a water tap as well as a “donor” of seed funding. By agreeing to be the sponsor of the GGP for the Energy Impact funding, and if the funding were awarded, the Town becomes a part “owner” of the project.

In conversations with members of GGP, the discussion was that the Energy Impact funds would be used to create the hardscape portions of the greenhouse project. The hardscape portions would include the sidewalks, greenhouse pads, and the proposed amphitheater. In the event the greenhouses were not placed and the park land reverted back to the Town for more traditional park uses, the investment in the hardscape would still be useful to the Town.

FISCAL IMPACT

The immediate fiscal impact is both direct and indirect. The indirect part is the incremental staff time to assist in the preparation of the application for the Energy and Mineral Impact Assistance Funds and then presentation to Town Council for approval. The next application cycle deadline is December 1st. The more immediate fiscal impact is the possible commitment to budget up to \$80,000 for placement of restrooms in Centennial Park. While this is not required to meet the minimum match for the grant application, it has been suggested this would make the application more competitive.

PARKS & RECREATION COMMISSION ACTION

The proposal by the GGP was presented to the Parks & Recreation Commission the evening of September 10th. The GGP requested the Parks & Recreation Commission to endorse the GGP’s request to have the Town Council submit the Energy and Mineral Assistance application on their behalf and for the placement of bathrooms in Centennial Park. The action of the Parks & Recreation Commission was unanimous to endorse the Council to approve applying for the Energy and Mineral Impact Assistance Grant and having a placeholder in the amount of \$80,000 for bathrooms in Centennial Park.

RECOMMENDATION

Possible actions by the Town Council include:

- 1) "APPROVE THE SPONSORSHIP OF AN ENERGY AND MINERAL IMPACT ASSISTANCE GRANT APPLICATION AND PLACEMENT OF BATHROOMS IN CENTENNIAL PARK WITH A NOT TO EXCEED AMOUNT OF \$80,000 AND DIRECT STAFF TO ASSIST IN COMPLETION OF THE GRANT APPLICATION FOR TOWN COUNCIL CONSIDERATION PRIOR TO THE DECEMBER 1ST, 2014 APPLICATION DEADLINE."
- 2) "DENY THE SPONSORSHIP OF AN ENERGY AND MINERAL IMPACT ASSISTANCE GRANT APPLICATION AND REJECT THE BUDGETING OF \$80,000 FOR THE PLACMENT OF BATHROOMS IN CENTENNIAL PARK."



AGENDA DOCUMENTATION

OLD BUSINESS: VII.1

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 02, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: FIRST READING OF ORDINANCE 814, AN ORDINANCE VACATING A PORTION OF THE 6TH/7TH ALLEY PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT BETWEEN NAVAJO STREET TO THE NE CORNER OF LOT 8X IN BLOCK 50 WITHIN THE CORPORATE LIMITS OF THE TOWN OF PAGOSA SPRINGS.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

On July 1, 2014, The applicant, Peter Adams, submitted a "ROW Vacation Application", requesting the Vacation of the 6th/7th Alley between Navajo Street north to the NE corner of Lot 8x. The applicant owns both sides of the proposed vacated Alley, with the exception of Lot 8x owned by the Posey's who are working with Mr. Adams and support this vacation along their property. Mr. Adams is interested in developing his property, and would like the Vacation of the Alley so as to fully utilize his two properties and take advantage of the view shed from the top of the hill.

The subject area and properties are zoned R-12, Medium Density Town Residential, which supports single family and multi-family housing up to 12 dwelling units per acre.

Regarding the Public Utility Easement associated with all Town ROW's, area Utility Providers have been contacted and have confirmed there are no installed utilities along the proposed ROW vacation, and there is no need to retain such utility easements along the proposed ROW vacation.

The applicant has not created development plans as of yet, as he prefers a determination on the possibility of vacating the Alley, prior to incurring the expense associated with creating development and design plans for submitting an application with the town.

South 6th Street is outside of the platted 6th Street ROW, and instead follows the river curve, through the applicants property. The applicant has stated he will work with the Town to formalize the 6th Street ROW, where the actual roadway exists. The Town currently has a Prescriptive Right (Easement) for the S. 6th Street alignment, however, this is very limiting on what can occur along this portion of 6th Street. Formalizing the 6th Street ROW will ensure the Town can fully utilize the ROW for all utilities, roadway improvements, future sidewalk/trails, ect.. This ROW dedication would come before TC as a separate matter at a future date. The applicant has proposed to transfer the land to the Town, from just east of the top of the shale cliff to his eastern boundary of his lot 1 in Block 50.

On July 29, 2014, the Planning Commission conducted a Public Hearing regarding this matter, and approved the following recommendation for Town Council's consideration "**APPROVE the vacation of the 6th/7th Alley Public Right-of-Way between Navajo Street and the NE corner of Lot 8X with the additional recommendation that Town Council move forward with the property owner to obtain a formalized agreement of property for the 6th Street road right-of-way from the cliff area down to 6th Street.**"

In addition, the Planning Commission directed Planning Department staff to research the status of a previous vacation of the Piedra Street ROW between 7th Street and the 6th/7th Alley, and if the remaining portion of the 6th / 7th Alley should also be vacated. Staff has conducted such research which shows the north half of Piedra Street between 7th and 6th Streets as being vacated, however, the south portion of Piedra Street has not been vacated. The results of staff's research is below in #1 - 6.

On August 21, 2014, Town Council considered the First Reading of Ordinance 814, deciding to table to matter until staff can provide more information regarding the research into the Town previously vacating the Piedra Street ROW between 6th and 7th Streets. Staff has researched the County Clerk's office for any

recorded ordinances, the Town's ordinance records and Town Planning Commission and Town Council meeting minutes. The following is what has been identified:

- 1) On September 4, 1984, The Town Board considered and approved **Ordinance 374**, vacating the alley in Block 43. The ordinance reserved unto the Town, right-of-way easements for the continued use of any existing water and similar pipelines and other utility lines and for future utility line installations. Ordinance and meeting minutes attached.
- 2) On June 20, 1989, The Town Planning Commission heard a request to have the Town consider vacating the Piedra Street ROW between the Lucero's Lots, Lot 11 in Block 50 and Lot 6 in Block 43, eluding to the drainage ditch encroaching onto their lot. It was determined that town staff members would look into the matter further and report back their findings. Meeting minutes are attached.
- 3) On October 3, 1989, The Town Board considered and approved **Ordinance No. 417**, Vacating the northern 25 feet of Piedra Street between 6th and 7th Street, along the southern boundary on Lot 6 in Block 43. The ordinance reserved unto the Town, right-of-way easements for the continued use of any existing water and similar pipelines and other utility lines and for future utility line installations. Ordinance and meeting minutes are attached.
- 4) On February 27, 1996, the Planning Commission approved a side yard setback variance allowing Norma Lucero to place a mobile home up to their property line at 274 S. 7th Street, along the original platted Piedra Street ROW boundary. The Planning Commission also recommended that the Town Board (Council) consider vacating the Piedra Street ROW. Meeting minutes are attached.
- 5) On March 5, 1996, the Town Board (Council) meeting minutes represent that the Town Board considered the Planning Commission's recommendation from their meeting on February 27, 1996, to approve a side yard setback variance and to vacate the Piedra Street ROW between 6th and 7th Street. The Town Board (Council) approved the setback variance and agreed to draft an ordinance to vacate only an additional 10 feet of the Piedra Street ROW (south of the previously vacated northern 25 feet of the Piedra Street ROW), and retaining the southern 25 feet of the Piedra Street ROW for access to a neighboring property (owned by Peter Adams). This was agreeable to both property owners. On March 5, 1996, The Mayor signed **Ordinance No. 478**, vacating a 10 feet wide strip of Piedra Street between 6th and 7th Street, just south of the previously vacated 25 foot northern portion of the Piedra Street ROW between 6th and 7th Street, previously vacated under ordinance No. 417 approved on October 3, 1989. Ordinance and meeting minutes are attached.
***PLEASE NOTE:** The Piedra Street ROW was and is actually 70 feet wide, not 60 feet wide as may have been thought at the time Ordinance 417 was approved, thus, the southern 35 feet of the Piedra Street ROW between 6th and 7th Street remains as Town Public ROW.*
- 6) Additional research shows no evidence that the portion of the 6th / 7th Alley south of Navajo Street was ever vacated. The Town still owns this portion of the 6th / 7th Alley ROW, as well as the Navajo Street ROW.

ANALYSIS

Below is LUDC section 2.4.3.D, outlining the application requirements and the approval criteria for considering an "Application for Vacation of ROW". Please note "APPROVAL CRITERIA" set forth below in section 2.4.3.D.2.b.(ii)

LUDC 2.4.3.D. Vacation of Right-of-Way and Other Public Easements

1. Applicability

This Section shall apply to all requests to vacate all rights, interests, or title of the Town in and to any right-of-way (street, road, alley, or other public way), access easement, or other easement located within the Town. Title to vacated roadways shall vest in accordance with C.R.S. Section 43-2-302, as may be amended from time to time.

2. Procedure

Figure 2.4-8 shows the steps of the common development review procedures that apply in the review of applications for vacations. The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

a. Step 7: Town Holds Public Hearing(s)

(i) Planning Commission Hearing, Review, and Recommendation

Following a public hearing, the Planning Commission shall consider the comments and evidence presented at the hearing and the Staff Report and recommendation of the Director and recommend that the Town Council approve, conditionally approve, or deny the vacation, based on the criteria in Step 8 below.

(ii) Town Council Public Hearing, Review, and Decision

Following a public hearing, the Town Council shall consider the comments and evidence presented at the hearing and the Staff Report and recommendations from the Planning Commission and the Director, and approve, conditionally approve, or deny the vacation, based on the criteria in Step 8 below. The Town Council shall have the right, in its discretion, to vacate only a portion of the total area requested for vacation. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches and canals and similar appurtenances, and for electric, telephone, and similar lines and appurtenances.

b. Step 8: Town Issues Decision/Findings

(i) Approval and Recording

The Town Council shall approve the vacation by ordinance. The ordinance shall be recorded in the Office of the Archuleta County Clerk and Recorder. A signed copy with the reception number shall be retained by the Town. The recording fee shall be paid by the developer.

LUDC 2.4.3.D.2.b.(ii) Approval Criteria

The Town Council may approve a right-of-way or public easement vacation if it finds that all of the following have been met:

(1) The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan;

Staff's Comments: *The vacation appears to be consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. There are no trail routes identified along these ROW's or in the near vicinity in the adopted Downtown Master Plan or Comprehensive Plan.*

(2) The land to be vacated is no longer necessary for the public use and convenience;

Staff's Comments: *The alley ROW is not identified in any long range planning documents for a developed alley, trail segment or for utility lines. It appears unrealistic to consider a future Roadway improvement or Utility line installation given the severity of the terrain. Given the incredible views, a trail, however, maybe a possibility, though this is not an identified trail route in any of the Town's Long Range trail plans incorporated in the Downtown Master Plan or Comprehensive Plan.*

(3) The vacation of a roadway that exists by right of usage shall occur only if the land adjoining said roadways is left with an established public road or private access easement connecting said land with another established public road;

Staff's Comments: *All other adjoining parcels of land abutting the alley, have existing accesses from 7th Street. The Alley is currently un-improved and is not used for any access to any parcels of land, nor would the alley serve as a future access.*

(4) The vacation will not leave any land-locked parcels; and

Staff's Comments: *No parcel will be rendered land-locked by the proposed vacation of ROW.*

(5) The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service.

Staff's Comments: *The existing portions of the 6th / 7th Alley ROW being proposed for Vacation, are currently unimproved. The terrain accessing the ROW from Navajo Street and Piedra Street is very steep.*

LUDC 2.4.3.D.2.b.(iii) Conditions of Approval

The approval of a right-of-way or public easement vacation shall be conditioned upon:

(1) The holders of any and all easements granted by the original platting of the subdivision conveying to the petitioner all interest in those easements.

Staff Comments: *No easements exist, other than the Town controlled ROW and Public Utility Easement.*

(2) Such vacation shall not eliminate rights-of-way or easements serving or potentially serving adjoining properties, unless alternate means of access or another easement crossing the property can serve adjoining properties.

Staff Comments: *No access will be negatively affected. The Alley contains no public utility installations.*

(3) If the vacation is a roadway constituting the boundary line of the Town, the Archuleta County Board of Commissioners has taken action to vacate the roadway.

Staff Comments: *This condition is not applicable.*

FISCAL IMPACT

There is no fiscal Impact to the Town. All expenses associated with this application are the responsibility of the applicant.

PUBLIC NOTIFICATION

Consistent with LUDC table 2.3-1, Notice Requirements, Public Notice was:

- ~ Published in the Sun Newspaper 15 days prior to the PC and TC public hearings.
- ~ Posted on the property 15 days prior to the PC and TC public hearings.
- ~ Mailed to properties owners within 300 feet, 15 days prior to the PC and TC public hearings.
- ~ Posted at Town Hall 15 days prior to the PC and TC public hearings.
- * Please note: Though not required to re-notice a continued public hearing matter, all property owners within 300 feet were re-notified via US Postal Service of the Town Council Public Hearing on September 18th and October 7th. Also, a new on site sign was posted and notice posted at Town Hall with the additional public hearing dates.

ATTACHMENTS

- ~ Ordinance 814, An Ordinance Vacating a Portion of the 6th / 7th Alley Public Right-of-Way and Public Utility Easement Between Navajo Street and the NE Corner of Lot 8X in Block 50, within the Corporate Limits of the Town of Pagosa Springs, with Preliminary Exhibit A. An official Exhibit A will be created after approval of the second reading of the vacation ordinance. If Approved on second reading, the Vacation Exhibit A will be attached to the ordinance and include a complete legal description and map of the approved vacated ROW. For the purposes of considering Ordinance 814, the current included Preliminary Exhibit A, is just a representation of the Alley proposed to be vacated.
- ~ Ordinance 374, Vacating Alley along Block 43 and associated September 4, 1984 Town Board meeting minutes.
- ~ June 20, 1989 Planning Commission meeting minutes.
- ~ Ordinance 417, vacating the northern 25 feet of the Piedra Street ROW between 6th and 7th Streets, and associated October 3, 1989 Town Board meeting minutes.
- ~ February 27, 1996 Planning Commission meeting minutes.
- ~ Ordinance 478, Vacating an additional 10 feet of Piedra Street between 6th and 7th Streets, and the associate March 5, 1996 Town Board meeting minutes.
- ~ Map of previous and proposed Town Public ROW vacations.

PUBLIC COMMENTS

Public comments received regarding this matter include the following:

- * Peter Hurley, owner of 311 S. 7th Street called and has no issues with the vacation request.
- * Jeff & Danielle Posey, owners of 326 S 7th Street submitted an email response on 4/23/14 supporting the vacation.
- * Franklin Anderson, 303 S 7th – Opposes the vacation request. He is concerned about the cut into hill and the aesthetic issues with a continued cut along the ridge. He felt that the removal of dirt will create issues with future flooding and added water into the nearby river, the approval would destroy the historical topographic feature of Pagosa Springs, and the alleyway should be retained for the Town for future trail

system. Mr. Anderson has attended all the public hearings regarding the Alley ROW vacation and continues to oppose the vacation, stating the view corridor for a trail would be better than vacating the Alley ROW.

* Greg Giehl, 740 Navajo Street- expressed questions about width of the 6th Street road access. He agreed with Mr. Anderson that a trail should be installed and connected to an existing trail. He also commented that the areas should not be for apartments but an area for single-family dwellings. He felt that there were drainage issues and concerns with high density construction, water and sewer main issues, and concerns with cutting down the hill because the project south of the building site removed approximately 14' of grade.

* Baltazar Gallegos, 418 S 7th Street – expressed concerns with installation of a trail and felt that the improvement would create privacy and access issues for his property that abuts the alleyway and streets. He had no objections to the vacation request.

* Maria Martinez-Gallegos, 418 S 7th Street – expressed no issues with vacation – she prefers that the original request be granted with vacating entire 6th & 7th alleyway and a portion of Navajo Street. She felt that the area is not a public hill and should remain private – wants to maintain privacy and concerns with edge of hill and liability. She is opposed to any trail system for liability reasons to the Town and has issues with public access for 4th of July and balloon events – heavier traffic already exists due to existing homes and nearby schools – high density is appropriate for area as allowed in other areas, private ownership should be allowed to build on owned property - endorses right of owners to absorb the vacated land onto their existing properties.

* Jerry Leroy Lucero, 302 S 7th Street– supports vacation but feels that the entire area should be vacated, privacy fencing for safety of children should be installed and the power pole should be removed from his property if it is not being utilized.

* Bill Dawson, called on September 9, 2014 and expressed a recommendation to include a contingency regarding a development plan and actual need and use of the vacated alley before the vacation is effective.

RECOMMENDATION

Staff recommends that Town Council consider the recommendation from the Planning Commission, Public Comments and the facts as presented for the ROW vacation application as it relates to the LUDC approval criteria for a decision. Additional contingencies that may be considered under section 6 of the ordinance. Alternate considerations include, but are not limited to:

- 1) "APPROVE the First Reading of Ordinance No. 814, Vacating a Portion of the 6th / 7th Alley Public Right-of-Way and Public Utility Easement Between Navajo Street to the NE Corner of Lot 8X in Block 50 within the Corporate Limits of the Town of Pagosa Springs".
- 2) "APPROVE the First Reading of Ordinance No. 814, Vacating a Portion of the 6th / 7th Alley Public Right-of-Way and Public Utility Easement Between Navajo Street to the NE Corner of Lot 8X in Block 50 within the Corporate Limits of the Town of Pagosa Springs, with the following language revision to section 6, 'This ordinance shall become effective and in full force upon final passage at second reading, upon the Town Approving a development application and/or a building permit demonstrating the use and need of the subject alley vacation and upon the conveyance and acceptance of land from the property owner to the Town necessary to formalize a 6th Street Public Right-of-Way'."
- 3) "DENY the First Reading of Ordinance No. 814, Vacating a Portion of the 6th / 7th Alley Public Right-of-Way and Public Utility Easement Between Navajo Street to the NE Corner of Lot 8X in Block 50 within the Corporate Limits of the Town of Pagosa Springs".

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 814
(SERIES 2014)**

**AN ORDINANCE VACATING A PORTION OF THE 6TH / 7TH ALLEY PUBLIC
RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT BETWEEN NAVAJO
STREET TO THE NE CORNER OF LOT 8X IN BLOCK 50 WITHIN THE
CORPORATE LIMITS OF THE TOWN OF PAGOSA SPRINGS**

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003 as amended in 2012 ("Charter"); and

WHEREAS, pursuant to Sections 43-2-303(1)(a) and 43-2-303(2)(c), C.R.S., the Town may divest itself of all of its right, title or interest in and to any roadway upon the vacation of such roadway by ordinance; and

WHEREAS, on July 01, 2014, the Town's planning department received an application for Vacation of Public Right-of-Way and Public Utility Easements (the "Application"), for the vacation of the portion of the 6th/7th Alley north of Navajo Street extending to the NE corner of Lot 8X in Block 50; and

WHEREAS, pursuant to Section 2.4.3.D.2.a(i) of the Land Use Development Code ("LUDC"), the Planning Commission held a public hearing on the Application on July 29, 2014; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the July 29, 2014 public hearing before the Town Planning Commission, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on July 10, 2014, which was at least 15 days prior to the scheduled hearing.
- b. Written notice was mailed to the record owners of land immediately adjacent to the proposed vacation of the portion of the 6th/7th Alley Public Right-of Way, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on July 08, 2014, which was no less than 15 days prior to the public hearing.
- c. On July 02, 2014, Public Notice was physically posted at the NW corner of the intersection of Navajo Street and S. 7th Street, in close proximity to the proposed right-of-way vacations.
- d. Public notice was also posted at Town Hall on July 02, 2014; and

WHEREAS, on July 29, 2014, the Planning Commission approved a recommendation to the Town Council to "Approve the vacation of the 6th/7th Alley Public Right-of-Way between Navajo Street and the NE corner of Lot 8X of Block 50, with the additional recommendation that Town Council move forward with the property owner to obtain a formalized agreement for the 6th Street road Public Right-of Way from the cliff area down to and including 6th Street.;" and

WHEREAS, pursuant to Section 2.4.3.D.2.a(ii) of the LUDC, a public hearing before the Town Council on the Application was held on August 21, 2014 at 12 noon; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the August 21, 2014 public hearing before the Town Council, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on July 10, 2014, which was at least 15 days prior to the scheduled August 21, 2014 public hearing.
- b. Written notice was mailed to the record owners of land immediately adjacent to the proposed vacation of the portion of the 6th/7th Alley Public Right-of Way, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on July 08, 2014, which was at least 15 days prior to the scheduled August 21, 2014 public hearing.
- c. On July 02, 2014, Public Notice was physically posted at the NW corner of the intersection of Navajo Street and S. 7th Street, in close proximity to the proposed right -of-way vacations. On August 12, 2014, staff noticed the posted sign was no longer on site, and re-posted the sign for the Town Council Public Hearing on August 21, 2014 and September 03, 2014.
- d. Public notice was also posted at Town Hall on July 02, 2014; and

WHEREAS, the Town Council hereby finds that the criteria of Section 2.4.3.D.2.b(ii) of the Town's Land Use Development Code for vacation of a right-of-way have been met, as follows:

- a. *The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. The portion of 6th/7th Alley being vacated is identified in the Comprehensive Plan as Medium Density Residential which defines the primary use as single family and multi-family residences. Vacation of the public right-of-way, and the utility easements therein will not negatively affect vehicular transportation, public safety, public services, or accessibility in the surrounding area.*
- b. *The land to be vacated is no longer necessary for the public use and*

convenience. There is no longer a need, public use, convenience or beneficial public use for the Public ROW.

- c. *The vacation of a roadway that exists by right of usage shall occur only if the land adjoining said roadways is left with an established public road or private access easement connecting said land with another established public road.* The adjoining lands will maintain current accesses to public roads.
- d. *The vacation will not leave any land-locked parcels.* No parcel will be land-locked and all parcels will have access to a public right-of-way.
- e. *The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service.* The right-of-way and utility easement vacation will not adversely affect or impact the health, safety, or welfare of the general community, or the quality of public facilities or services provided, and there will be no adverse effect to police/fire protection or access; and

WHEREAS, the Town wishes to formally and expressly vacate such roadway and utility easements within the corporate limits of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

SECTION 1 – Incorporation of Recitals and Findings. The above Recitals and Findings of the Town Council are hereby incorporated into this Ordinance.

SECTION 2 – Vacation of Roadway and Utility Easements. Pursuant to Sections 43-2-303(1)(a) and 43-2-303(2)(c), C.R.S., the Town hereby divests itself of all of its right or interest in and to the public right-of-way for the portion of the 6th/7th Alley Public Right-of-Way between Navajo Street and the NE corner of Lot 8X of Block 50, and the public utility easements therein, within the corporate limits of the Town, see Exhibit A.

SECTION 3 – Vesting of Title. In accordance with the provisions of Section 43-2-302, C.R.S., title to the lands included within the roadway hereby vacated shall vest in the owner of the abutting property or properties, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues.

SECTION 4 - Recording. In accordance with the requirements of Section 43-2-303(2)(f), C.R.S., this ordinance vacating the roadway designated herein shall be recorded in the office of the Clerk and Recorder of Archuleta County.

SECTION 5 – Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions

shall remain valid and in full force and effect.

SECTION 6 – Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

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INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 814 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of _____, 2014, and was published by title only, along with a statement that the full text of the Ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall, on the Town's official website, on _____, 2014, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2014.

April Hessman, Town Clerk

(S E A L)

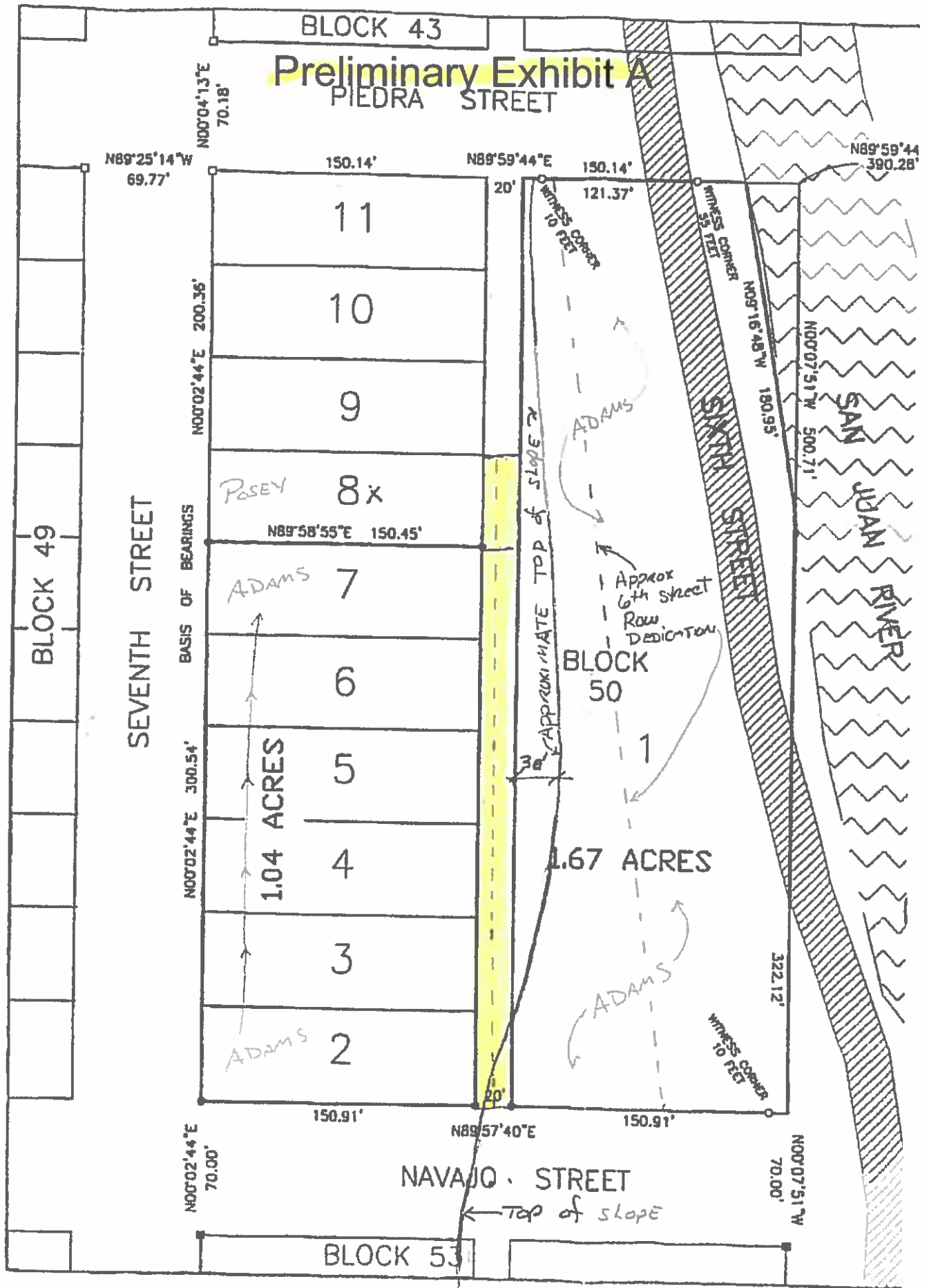
I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 814 (Series 2012) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ____ day of _____, 2014, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2014.

April Hessman, Town Clerk

(S E A L)

Preliminary Exhibit A



ORDINANCE NO 374

AN ORDINANCE VACATING THE ALLEY IN BLOCK 43, TOWN OF PAGOSA SPRINGS, COLORADO.

WHEREAS, it appears to the Board of Trustees that there is no longer any necessity for the alley in Block 43, Town of Pagosa Springs, Colorado and that said alley should be vacated. Said vacation would be for the public interests, eliminating future maintenance costs and liability, and placing said property on the tax rolls.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TURSTEEES OF THE TOWN OF PAGOSA SPRINGS, COLORADO;

Section 1. The alley running north and south in Block 43, Town of Pagosa Springs is hereby vacated.

Section 2. The provisions of Section 1 notwithstanding, the Town of Pagosa Springs does hereby reserve unto itself right of way easements in the above described portion of land for the continued use of any existing water and similar pipelines and other utility lines, and for future utility line installations.

Read, passed and adopted this 4th day of September, 1984.


Mayor

ATTEST;

I hereby certify that the foregoing ordinance was adopted by a Unanimous vote of the Board of Trustees of the Town of Pagosa Springs, Colorado.


Town Clerk

Page 3, Sept. 4, 1984

Rogers stated evaluation should be done on LaMar, Romero, himself and Volger and Joe Dan Martinez. He will prepare a form to be used.

Rogers reported the Highway Dept. have set their priorities on a 5 year plan and the bridge at At Last Ranch will be replaced at which time our water in-take will be contaminated and the highway will help with this. Rogers will also ask the Highway Dept. for \$13,000 pipe used on the Jackson Mtn. slide.

As the motion was not made at the last meeting, Trustees Kennedy moved to change the zoning from A to B on the Ludwig property, block 43. Seconded Trustee Ford. By voice vote 6 ayes. Motion carried unanimously.

~~Ordinance 374 was read~~ AN ORDINANCE VACATING THE ALLEY IN BLOCK 43, TOWN OF PAGOSA SPRINGS, COLORADO. Trustee Seielstad moved to vacate the alley, approve the ordinance and ordered published. Seconded Trustee Hand. By voice vote 6 ayes. Motion carried unanimously. Attorney Hoover will check with Henry Trujillo on the property owners and file appropriate deeds giving the Town property to these property owners.

The Lockharts did not remove the fence from the Town property and they asked Mayor Aragon for 30 day extension to re-survey this lot, as he thinks it is on his property.

ORDINANCE 375, AN ORDINANCE ADOPTING THE 1982 UNIFORM BUILDING CODE, THE 1982 EDITION OF THE BUILDING CODE STANDARD, THE 1982 EDITION CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 1982 EDITION OF THE UNIFORM PLUMBING CODE, AND THE 1982 EDITION OF THE UNIFORM MECHANICAL CODE. Trustee Seielstad moved to publish a notice of the hearing on October 2, 1984 at the next Board meeting and approve the Ordinance at the first reading. Seconded Trustee Hand. Roll call vote 6 ayes. Motion carried unanimously.

Attorney Hoover asked for recommendations and action to be taken on the lease for El Centro and the Chamber of Commerce Building. Charlie Speno and Juanalee are working on a lease for El Centro and Trustee Seielstad will check with these parties for core information for leases for El Centro, Historical Society, C of C and the Town Park.

Trustee Ford asked for a variance as he has built a shed 12 x 16 on his property on Nesa Heights and it does not meet the property line set-back. The Board suggested his appearance at the Planning Commission. Board members will look at this before n on tomorrow and report at the meeting Sept. 5.

Kardell Gallegos from Head-Start again asked for swings to be replaced at the cost of \$480 which she thinks the Town tore out. The Board previously made a decision to donate in-kind as there is no money in the budget for this expenditure. The county was partly responsible for this.

The following bills were read: (see attached). Trustee Kennedy moved to pay the bills holding Roundtree's bill for \$1,806.46 and Pagosa Glass for library windows for \$89.00. Seconded Trustee Montoya. By voice vote 6 ayes. Motion carried unanimously.

The Town Board and Recreation Board are to meet with the School Board Sept. 11 at 7 o'clock to discuss the Park usage.

Mayor Aragon appointed Glen Sterkel and Bob Curvey to the Recreation Board as per the letter from Enid Brodsky.

Grant Monies on the bridge were received for \$59,295, TA grant for \$14,000, and Severance Pay for \$4,26.92. A letter was read on the new committee members on the SJRCD.

Trustee Hand asked what action was taken on the Old Town Motel. TA Rogers stated they signed a letter of agreement on a variance and they would come into compliance.

TA Rogers reported Gene Shrewsbury is acting as building inspector and the Town contrac with him will give him 40%, the Town 60% on building permits, with charges for inspecti added to building permits. Attorney Hoover and TA Rogers will draw up a contract stating this. Rogers also reported licensing will be required for State Plumbing Requirements. Discussion on Dee A. chuleta trailer.

Al Durant asked about planting a christmas tree on the Town Hall site, stating the Pagosa Pride will maintain it for a year or two, the tree being 12' to 14' in height. He asked for help from the Town for use of the backhoe.

On motion duly made, the meeting adjourned at 11:40 p.m.

Town Clerk, Jacquelyn M. Schick

Mayor Ross Aragon

PLANNING COMMISSION MINUTES
JUNE 20, 1989

The regular monthly meeting of the Planning Commission was called to order at 7:30 P.M. by Chairman, Rice Reavis.

Members present included Rice Reavis, Arnold Larson and Jonathan Smith.

Al Page presented a variance request on behalf of Harvey and Stella McFatridge (also in attendance) to place a mobile home on Lots 1-3, Block 71 which was zoned B-Residential. He submitted copy of a notice of the variance request which had been presented to residents of the area, and all had indicated their approval of the request. He noted that he had not as yet completed the mailing of notices to absentee property owners.

Chairman Reavis noted that Ordinance #358 would allow for placement of a mobile home provided certain conditions such as a minimum 20' width were provided. The McFatridge's stated that they were planning to place a 14' wide mobile home on the property. Discussion followed about the 20' width requirement being applicable for the entire length of the mobile home; and it was noted that Ben Martinez had been granted a variance based upon an enclosed addition for half the length of his mobile home with the remaining half of the length being used as a covered deck area.

Al Page conferred with the McFatridge's and reported that an addition the full length of the mobile home would require additional funds for the McFatridge's therefore they would not be able to undertake the project as soon as they had hoped, but that they would comply with whatever requirements the Town established. Accordingly, Al Page requested approval of their request with the conditions that:

1. They would prepare a separate variance request to request to address the 20' width issue.
2. They would submit a drawing showing the proposed construction with dimensions.
3. They would submit proof of mailings of notices about the variance request to absentee owners.

Member Smith motioned for the conditional approval of the request, member Larson seconded the motion, and the motion passed unanimously.

Planning Commission Minutes - June 1989
Page Two

Norma Lucero and her son, Leroy, were present again to discuss the possibility of the Town vacating that portion of Piedra Street which separates the family's properties between Blk 43, Lot 6 and Blk 50, Lot 11. Ms. Lucero noted that they had recently had the property surveyed, and that the ditch along Piedra Street was aligned encroached into Lot 11 at the rear of that lot. It was noted that drainage through that ditch could not be interrupted. Member Smith suggested that Joe Dan and Charlie Stanfill look at the proposed layout of the mobile home and the ditch in order to preclude any future site problems. He further requested that Attorney Hoover get involved regarding the question of vacating that right-of-way and see if it was possible for the Town to sell that property.

Jerry Richardson presented a request for an exemption from subdivision regulations to divide a 0.75 Ac. lot around his house from the remaining 7.5 Ac. of his property at Blk 15, Lot A. He stated that he was moving from the area and needed to sell his property; and separating the house from the remaining property would enhance his ability to market the house. Chairman Reavis noted that in other exemption requests, the property owner was sometimes required to pay the 5% cash in lieu of land fee stipulated in the subdivision regulations. Mr. Richardson stated that he was not planning to develop the property, rather he was simply trying to enhance its marketability so that he could reduce his debts; therefore he asked that the 5% provision be waived. Member Larson noted that the subdivision regulations also required a \$100.00 processing fee at preliminary plat submittal time, and that Mr. Richardson should be required to pay that fee so that county maps could be updated. Mr. Richardson stated that he was prepared to have the necessary maps prepared for recording at the courthouse, and that he thought an exemption from subdivision regulations would also exempt him from the preliminary plat requirement as well as the associated fee. He noted, however, that if the \$100.00 fee was critical to obtaining approval of the request he would certainly be willing to pay the fee. Member Smith motioned for approval of the exemption request with the provision that the Town Board should decide the issues related to fees. Member Larson seconded the motion and it passed unanimously.

There being no further business, the meeting was adjourned at 9:00 P.M.

ORDINANCE NO. 417

AN ORDINANCE VACATING A PORTION OF PIEDRA STREET
LYING BETWEEN SOUTH 6TH AND SOUTH 7TH STREETS,
TOWN OF PAGOSA SPRINGS, COLORADO

WHEREAS, it appears to the Board of Trustees that there is no longer a necessity for maintaining as a street that portion of Piedra Street lying between South 6th Street and South 7th Street as more particularly described herein, and

WHEREAS, the vacation of a portion of said Piedra Street would be in the best interests of the general public, eliminating future maintenance costs and liability and placing said property on the tax rolls.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Pagosa Springs, Colorado:

Section 1. That portion of Piedra Street lying between South 6th Street and South 7th Street, and more particularly described as follows:

Beginning at the SW corner of Lot 6, Block 43, Town of Pagosa Springs, thence Southerly 25' to a point, thence Easterly 170' to a point, thence Northerly 25' to the SW corner of Lot 5, Block 43, thence West 170' to the point of beginning, is hereby vacated.

Section 2. Said vacated portion of the street, pursuant to the provision of Chapter 43-2-302, Colorado Revised Statutes, Sub-Section (1)(B), shall vest in the owners of the land abutting such vacated portion on the North.

Section 3. The provisions of Section 1 notwithstanding, the Town of Pagosa Springs does hereby reserve unto itself right-of-way easements in the above described portion of the street for the continued use of any existing water and similar pipelines and other utility lines and for future utility line installations.

Read, passed and adopted this 3rd day of October

[Signature]
Mayor

Attest: I hereby certify that the foregoing Ordinance was adopted by unanimous vote of the Board of Trustees of the Town of Pagosa Springs, Colorado.

[Signature]
Town Clerk

October 3, 1989

The regular meeting of the Board of Trustees of the Incorporated Town of Pagosa Springs was called to order by the Mayor with the following answering roll call:

Mayor: Ross Aragon

Trustees: Smith, Whitbred, Worden, Marquez, Cornellisson, Cotton

The minutes of the September 5 was read and approved.

LIQUOR LICENSE: Larry Holthus was present representing the democratic party for a special beer license for special event on October 14 for 6 hours between 6 and 12, to be held at the Catholic Parrish Hall. Trustee Whitbred moved to approve the special event, seconded Trustee Marquez. By voice vote 6 ayes. Motion carried.

The renewal of the Papagosa Liquor Store was read. Trustee Cornellisson moved to approve the renewal. Seconded Trustee Whitbred. By voice vote 6 ayes. Motion carried.

The paper work was not in for the transfer from Al's West to the Chuck Wagon Cafe.

Larry Lister was not present on the school for drug free red ribbon campaign.

Bob Hand of the Chamber of Commerce was present to ask about moving the Chamber of Commerce building across the river on Town property south of the river. He felt it would not be necessary to vacate San Juan Street, and wanted authorization to sell the C of C building to use the proceeds for building a new building.

Trustee Marquez stated he was not pleased with the C of C the past few months and he felt Bob Hand had split up the Town on the geothermal election pool issue and caused problems for all involved. He wanted him to treat everyone the same so he stated he could not back him up on this, or felt we need a new director. Trustee Smith asked about parking for the new site, and Hand explained he could use some of the area below the building for parking. Hand also asked for water and sewer lines to be put in now so that the new paving would not have to be torn up. Trustee Whitbred asked what the cost of this would be, and J. D. explained approximately \$3000 for this. The Chamber will share the cost of this.

A. J. Williams, who was present in the audience, asked if we would be purchasing the C of C building and the Mayor stated "no". Attorney Hoover asked what the Chamber was asking for and Bob Hand stated use of the land not ownership. He stated they have indefinite use of the land now and that is what they would like on the new property. Hoover stated that we would need an ordinance if they used it over a year's time or a year to year resolution for yearly use. If we sold the land we would need an appraisal and vote of the people. Trustee Marquez asked if the building was erected and the lease was rejected what happens to the building? Hoover also stated that the Town Board cannot bind future Town Boards over a five to six year period.

Mayor Aragon asked the Board for their input so the Chamber will know how to proceed. Hand felt this location was in the best interest of the community. Trustee Cornellisson stated the Chamber should sell the existing building as the Town cannot use it at this time. Trustee Cotton stated we should talk this over regarding the Attorney's assessment but that he was in favor of this location if we can work out all legalities. Mayor Aragon stated the C of C is an asset to the Town and stimulate business in town and we should pursue this further on a positive note. Bob Hand stated he will come back with a contract, and the Attorney suggested one possible solution would have the building revert back to the Town after a reasonable period of time. The Board did discuss the water and sewer lines and Trustee Cornellisson moved to go ahead with the water and sewer lines so the asphalt paving would not have to be cut. Seconded Trustee Whitbred. By voice vote 6 ayes. 1 nay. Motion carried.

NEW BUSINESS: Trustee Marquez asked where the top soil came from that was used on the bridge and why the people in Pagosa don't know where it was purchased? Mayor Aragon stated it came from his property and no money exchanged hands. Bleeker had some top soil but it did not pass inspection so they used the Mayor's land as it was only less than two minutes away, and he has been giving away top soil for years. Marquez asked why that can't landscape other people's property? J. D. Martinez reported that the contractor did the soil testing at several areas and the decision was made by them, not any town employee or board member as it is the contractor's responsibility to test. Mayor Aragon stated he didn't sell it due to conflict of interest and Trustee Marquez said things have to be kept up front so the public know what is going on.

NEW BUSINESS: Attorney Hoover read the resolution declaring the obsolete police pension fund defunct which can be used for law enforcement purposes. There is approximately \$150,000 in the fund. Trustee Worden moved to adopt said resolution, seconded Trustee Whitbred. By voice vote 7 ayes. Motion carried unanimously.

Larry Lister came in and discussed the "red ribbon week for the drug-free proclamation." He asked for a unified effort of the Town Board and Town's people and

declared the week of October 22, drug-free red ribbon week. All kids will wear the red ribbons as well as businesses and employees. Lister stated a meeting will be held Thursday at 7 o'clock at the REA building and all are invited to attend. He also stated that the Jr. High kids are at the drug level nationally and we need more education.

Ordinance No. 417 was introduced, read AN ORDINANCE VACATING A PORTION OF PIEDRA STREET LYING BETWEEN SOUTH 6TH AND SOUTH 7TH STREET. Trustee Smith moved to pass this ordinance to vacate this area. Seconded Trustee Cornellisson. By voice vote 7 ayes. Motion carried.

DEPARTMENT HEAD REPORTS: J. D. stated he gave the PWD report to TA Sherman and he would present this. TA Sherman reported on the police department meeting with the schools in conjunction with the above drug-free week and the problems at the schools and asking for more police enforcement. He reported the police received the DUI grant and it is not contingent upon the 5th officer. The skateboard and bike signs are in and the Chief is to get with Att. Hoover to comply with the legal requirements on posting these signs. The firearm range will not come into fruition this fall due to the commitment made to the school on the soccer fields for PE. Parks and Recreation - The river walk was worked on in advance of the governors' visit so we would have positive feed back on funding riverwalk projects. He stated he is trying to make an impact and visual aspect of the riverwalk showing it as an amenity of the community. On the budget, TA stated the department heads will start on their preliminary figures within the next few weeks.

Sherman stated he was appointed to the interim executive committee of the San Juan Economic Development District, comprised of five counties and had attended the meeting last night. They are working on a revolving loan fund to benefit businesses.

PUBLIC WORKS: The bridge should be completed in approximately three weeks. He found out today that the lights have not been ordered. J. D. has contacted the company and they will get here asap.

Sherman reported on the letter from J. D. stating two people have left the street department, one retired and another quit and they had reviewed the applications and would like to replace the 2. He stated he will save \$3000 on the budget as he will be giving smaller salaries. When asked about advertising for the positions, Attorney Hoover stated it was not necessary as far as he knew. J. D. stated the pay would fit in the structure established but we have not adopted a scale within the job classifications. Trustee Cotton asked if he could hire one person at this time instead of two until the end of the year. Trustee Smith concurred. Trustee Marquez felt we should not hold back on one employee and we should not harness J. D. in the PWD if he feels we need two people. The salaries would be \$16,500 and \$16,000. Trustee Cornellisson stated if there was no budget increase and he needs them he should hire two. Trustee Cornellisson moved to hire two people for PWD. Seconded Trustee Marquez. By voice vote 5 ayes. 2 nays. Motion carried.


Trustee Smith was concerned about the posting of the "no skateboards" on the sidewalks and riverwalk. He opposed restricting skateboards and bikes as he feels it is in conflict with the drug/alcohol program mentioned earlier. TA will check with CIRSA on the insurance. A skateboard ordinance was passed earlier and attorney Hoover will review this ordinance which is in conjunction with the model traffic ordinance and give a legal opinion.

Nell Clark was present and stated the employees do not stop for the stop sign at her corner on 6th and Apache. J. D. stated he will inform his employees. A. J. Williams was concerned about a 18 wheeler getting down the road by the bridge project.

The following bills were read: Trustee Cotton moved to pay the bills, seconded by Trustee Cornellisson. By voice vote 7 ayes. Motion carried unanimously.

On motion duly made, the meeting adjourned at 8 o'clock p.m.


Jacquelyn M. Schick, Town Clerk


Rosa Aragon, Mayor

Town of Pagosa Springs
Planning Commission Meeting
February 27, 1996

The meeting was called to order at 5:20 P.M. Present were Ross Aragon, Mike Haynes and Chairman Rice Reavis. Staff Present: Jay Harrington.

The minutes of the 7/18/95 meeting were approved with a correction being made by Ross Aragon concerning the appointment of Jeff Jones to the Planning Commission.

The project discussed was the Lucero request for a variance from the 10 foot corner setback requirement. The applicant is Norma Lucero and the house is located at 274 South 7th Street. The owner wishes to build to the edge of the Piedra Street right of way. A previous request to vacate Piedra Street was continued because of issues with a neighboring lot owner. The lot in question is presently zoned B-1 residential.

Jay Harrington reviewed the variance request.

Norma Lucero stated that she needed the variance to place a 70' wide home on the property but that she still would like the land (Piedra Street) vacated so that an 80' wide home would fit on the lot.

Leroy Lucero stated that a road would be impossible to build to the lot 1 and that the road should be vacated.

Jay Harrington explained that the Town Board discussed the vacation at the last meeting and usually does not vacate a road if the neighbors claim it might be future access.

Ross Aragon stated that the board might not have been familiar with Piedra Street and thought that we might still vacate it. He encouraged Leroy to discuss this proposal with each Board member.

Jay Harrington stated that the Town legal staff would have to make a recommendation on the legal issues of vacating the road when a neighbor claims future access.

Jay Harrington recommended that the variance be granted in case the road

is not vacated by the board. He stated that the neighboring landowner did not oppose the ~~vacation~~ variance

Ross Aragon moved to grant the variance from the zoning ordinance and to recommend that the Town Board consider vacating the Piedra Street ROW.

Mike Haynes seconded the motion and the motion passed 3-0.

Jay Harrington asked if March 12, 1996 was okay for the next meeting.

Rice Reavis agreed to that date at 5:00 P.M.

Jay Harrington stated that we should have a fairly full agenda over the next few months.

The meeting adjourned at 6:15 P.M.

approved on _____

Rice Reavis, Chairman

ORDINANCE NO. 478

AN ORDINANCE VACATING A PORTION OF PIEDRA STREET BETWEEN SIXTH STREET AND SEVENTH STREET.

WHEREAS, it appears that there is no longer a necessity for maintaining as a street all that portion of Piedra Street between Sixth and Seventh Streets in Pagosa Springs, Colorado, and

WHEREAS, the Board of Trustees have previously vacated the Northerly 25' of Piedra Street between Sixth Street and Seventh Street extending from the SW corner of Lot 43 to an extension of the West line of the alley in Block 43, which 25' has previously been vacated, and

WHEREAS, the Board of Trustees desire to vacate an additional 10' adjoining the said previous 25' vacation.


NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Pagosa Springs, Colorado:

Section 1. The 10' area lying immediately South and adjacent to the previously vacated 25' section of Piedra Street between Sixth and Seventh Streets is hereby vacated.

Read, passed and adopted this 5th day of March, 1996.


Mayor

Attest: I hereby certify that the foregoing Ordinance was adopted by a unanimous vote of the Board of the Trustees of the Town of Pagosa Springs, Colorado, on March 5, 1996.


Jacquelyn M. Schick,
Town Clerk

March 5, 1996

The regular meeting of the Board of Trustees of the Incorporated Town of Pagosa Springs was called to order by the Mayor with the following answering roll call:

Mayor: Aragon

Trustees: Cotton, Delyria, Hamilton
Levitan, Lucero, Whitbred

The minutes of the February 6, 1996 meeting were approved as written.

LIQUOR LICENSE: Renewals for La Cantina Bar, Silver Dollar Package Store, Riverside Restaurant and Copper Coin Package Store. Trustee Whitbred moved to approve the renewal of the four licenses. Seconded Trustee Cotton. By voice vote 6 ayes. Motion carried.

A hearing was set for Kim L Ruf/Gray for the Oakridge restaurant and bar. A hearing was also set for a transfer of the Curly's II Bar to Robert and Laura Chestnut for Castangas new restaurant. The hearing was set for Thursday, April 4 at 5 o'clock p.m. due to the election on the regular meeting night of April 2.

Mike Branch presented the 1995 audit, stating he will be present at the next meeting for any explanations. He reported on the single audit act due to the compliance of federal grant monies on all issues such as the environmental issues.

TODD SHELTON SPECIAL USE PERMIT FOR A TRAILER PARK. There were approximately 30 people present to protest this. The Mayor asked for one spokesperson for the group. Mr. Shelton spoke first, stating this would be placed in Pagosa Hills #1 which is zoned for manufactured homes. He will put in all utilities, roads etc. and will use this for rentals only and not sell the spaces. He plans to put in 15 spaces on 2.8 acres and is trying to have affordable housing for young families and plans to make this a family atmosphere park. He stated the main opposition was the impact of traffic. He presented a letter to the people present stating the R & S manufactured home park regulations, concerning skirting, blocked up, utilities in before occupancy, cleanliness, storage etc., also with a site manager on the property. There will be a 25' road thru the property and each lot will be 40' frontage and 100' deep. He also stated if this was in the county they could not keep it out as the county does not have zoning. Todd felt he could prove any opposition wrong if questioned. Questions concerning "what if you sell"? and what about the covenants? The Pagosa Hills covenants does not apply to this park. Windson Chasey questioned the special use permission, citing the high density, and access to highway, stating both cemetery road and the road by the Pizza hut were congested now, and the impact to the infrastructure, and stating the impact on town and county (money wise), and impact on the schools and roadways. Mr. Macdonald asked if there was a "need"? in the area, and stated he would like to see an impact study completed.

TA Harrington stated the Sanitation District can use the revenue from the plant investment fees for upgrade the sewer system. Robert Goodman, spokesperson, stated this is zoned residential, but this is a commercial venture and he did not feel we need a commercial in a residential area. He also felt it would lower values of their property, and this would adversely effect everyone on cemetery road. Rocky Day also cited that the trailer park in town limits in south Pagosa has not been watched by the Town as it is very run-down and trashy and cited the dangerous situation on the roadway. Also the problem of traffic at 5th and Lewis Street. Harrington responded that the CDOT has studied this intersection and it warrants a traffic light, also a re design of this intersection is under study. Another gentlemen asked about the environmental impact, wetlands and if a study was made? Ken Bennett stated he was concerned about the character of the park, and it would not be part of the covenant restrictions in Pagosa Hills.

TA Harrington stated he will set up a neighborhood meeting before making the decision. Neighbors within 300' were notified two weeks ago of a meeting and no one showed up at that meeting, so another will be held at a later date.

LUCERO VARIANCE REQUEST. TA reported the Planning Commission recommended that this street be vacated, and one landowner has concerns, but the Planning Comm. reviewed the project and recommended the variance for the road vacation.

Mr. Peter Adams the adjacent landowner had protested and was present to report what he plans to do with his property, such as build two store homes in the area for affordable housing. This issue tabled his plans due to access to the property if the street is abandoned. If we abandon another 10', which would still give Mr. Adams 25' access he would be comfortable with that, as would the Lucero's and they could still accomodate the 80' mobile home. This was agreeable to both parties and an ordinance will be drawn up for the abandonment. Trustee Cotton moved to grant the side set back variance on Piedra street for the Lucero's. Seconded Trustee Hamilton. By voice vote 7 ayes. Motion carried.

TA reported we will have annexation 96-1, 96-2, and 96-3, fill-in annexation ready for adoption at the next meeting. This will include Garretts Appliance, lots in Rock Ridge by Circle T fill-in. These will not interfere with our annexation review committee project.

Special conditional use for a fishing trailer for the Ski and Bow Rack by Larry Fishers to operate Colorado Fishing Adventures. There was no response from the neighbors on the letters sent. This would be a seasonal placement. Trustee Cotton moved to allow this trailer to set at this location for six months. Seconded Levitan. 7 ayes. Motion carried. The Town will watch that no vendors or selling from the trailer take place.

Paving of the Riverwalk, Gutters and Sidewalk along a portion of Hot Springs Blvd was discussed. The estimated cost is \$15,634 and would be a 5' walkway, which TA felt was vital for access to the post office. The walkway would be on street right of way and we have an easement from Dawsons. Lucero moved to to the 5' walkway on Hot Springs Blvd., seconded Hamilton. 7 ayes. Motion carried.

Ray Lattin requested a minor subdivision on lot 3 by the Napa bldg. in the Western Addition into two lots. CDOT requested that we do not approve this subdivision because of lack of improvements at the existing highway access. The two lots would use the same entrance and Lattin will be putting in a deacceleration lane. The lots would be 3.2 acre and 3.35 acres. A restriction on the plat for the improvements prior to developing the lot may meet our access requirements. Trustee Cotton moved to approve the minor subdivision for Lattin. seconded Hamilton. 7 ayes. Motion carried.

OLD BUSINESS: The Town did not receive the grant for the Apache Street Bridge. The Energy Impact Review Committee liked the project but it did not relate closely enough to energy impacts. If the state gets CDBG money we may apply later. TA recommended we complete the engineering this year so we could undertake the project next year. TA stated we can do additional paving with the capital improvements money this year. Mayor Aragon wanted to go on record stating we need a study of the traffic, flood plains and he is not in favor of the bridge. TA reported the engineering would cost around \$40,000 to \$60,000, and money is available for existing bridges, more so than new ones. The efficiency rating of the existing bridge on Hot Springs Blvd. is at 50% now. Whitbred asked the impact if the school bond issue is approved and moves in south Pagosa area. Mayor Aragon felt there would be major traffic problems. The Board recommended waiting until the school bond issue vote is completed and will look at this after that. TA will get prices of the project for the next meeting.

1996 PAVING PROJECT. Estimates were presented for the 96 project. This would include 14th street, 15th street, Eagle Drive, the downtown parking lot, 4th street, and entrance to the elementary school, and Mesa Drive. The Rock Ridge access Road and 4th street alley designs will be completed since the Apache bridge project was put on hold. TA requested the CDOT pay additional costs due to the heavy trucks on 14th street, and the school district pay the costs of improving the access to the elementary school. The cost for these items is \$327,893, and Rock Ridge and Pagosa Hills at \$103,827.

Mayor Aragon asked TA to check the paving on 8th street which was done two years ago. TA stated we will be working on chip-seal repair this summer..

Page 3, March 5 meeting

GUARDRAIL ISSUE: TA presented a list of locations in Town where guardrails may be needed. Total cost would be \$56,491, and the 96 budget does not provide for this. The CIRSA insurance does not have any guidelines on this. The issue of snow removal was discussed. Trustee Lucero felt safety is an issue, and the Board agreed to start the project this year by 10th street at the Eddie Archuleta residence.

Valley Gutter along NE Section of Hermosa Street. The town has received various complaints on the drainage, parking areas east of 2nd street. TA warned if we decide to install this gutter, other areas of Town may request similar improvements. Questions and answers on the Hermosa street project were received from Davis Eng. The Board agreed to do the project on Hermosa street.

TOWN ADMINISTRATOR REPORT: Geothermal pipeline update, they are continuing slowly to supply waste water across the river.

Red Iverson requested a replat of lots 4 and 5, block 37. This is being processed as a replat and will be ready for recording soon.

Update on the County Road Users Appeal. A letter from Collins and Cockrel was presented on the court scheduling on the denial of election for re-distribution of sales tax.

Update on Annexation Review Committee. They met on February 20 and are continuing evaluating the pros and cons of annexation of large tracts of residential property. They will have a recommendation in ten months.

STREET SWEEPER We are demonstrating a new sweeper and if it meets air quality standards we will purchase this one on a four year lease. TA has contacted the local banks for a quote on the lease purchase. TEMCO will train the men and the cost of the street sweeper is \$97,000. Bank of SW will loan at 5-1/2%. The Board agreed to have Mayor Aragon sign the agreement.

The Town received a special honorable mention in the 1996 Urban River Restoration awards in the category of Economic Revitalization.

TA reported a lady fell again in the same area as the last time in front of the Pagosa Mall. TA has told the Woods to do the work and the Town can do the removal work.

J.R. Ford is building a 1000 acre reservoir in Mountain View Estates in Hidden Valley and asked the town for approval on the permitting issues. TA stated this can establish some level of flood control, which would provide protection to the Town. The Board agreed.

SW Mental Health requested \$779 for payment of 1994 budget which was not received by them, due to their quarterly billing. The Board agreed to pay the 96 budget figure of \$2500. only.

Todd Shelton asked for a minor subdivision in Pagosa Hills of 17 acres. They were given only 3 minor subdivision, and will request "this is the last minor subdivision in this area". The Board agreed.

ORDINANCE 478 on the Road vacation of 35' off Piedra street will be prepared, and will be ready for adoption. This will leave 25' for Mr. Adams. Trustee Cotton moved, seconded Lucero to approve the ordinance. 7 ayes. Motion carried.

Trustee Cotton moved, seconded Hamilton to authorize the Mayor to sign the least for the street sweeper (after Jay gets a few bucks more off). 7 ayes. Motion carried.

Trustee Lucero moved, seconded Trustee Levitan to grant a temporary license to Robert and Laura Chestnut for Castangas liquor license. Mr. Chestnut appeared and asked for this. 7 ayes. Motion carried.

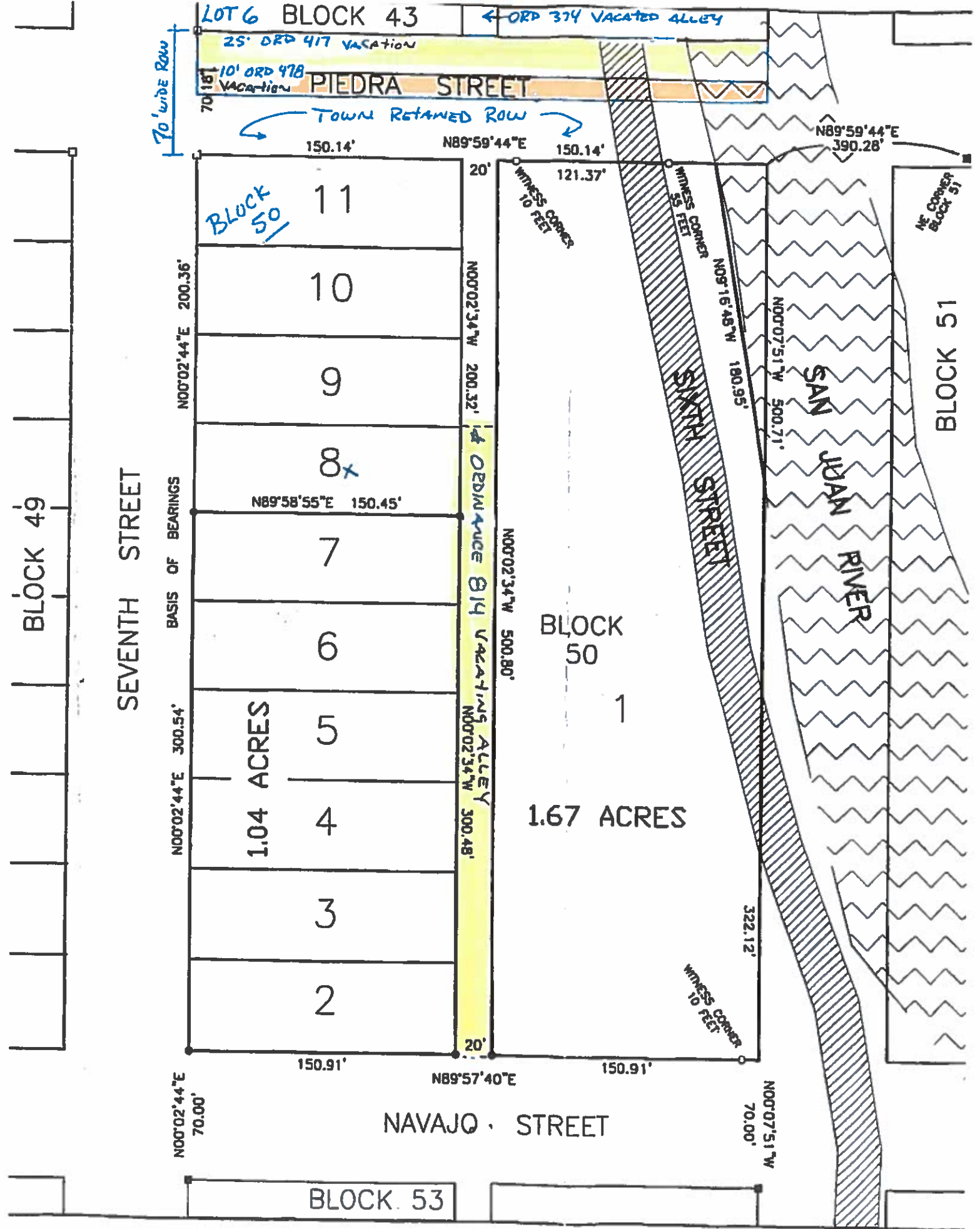
THE FOLLOWING BILLS WERE READ: Trustee Whitbrad moved, seconded Trustee Lucero to pay the bills. 7 ayes. Motion carried.

TA presented a letter to the Board written to the School District on use of the public facilities, in which we are having problems with our recreation scheduling.

On motion duly made, recorded, and passed the meeting adjourned at 7:15 p.m.

Jacquelyn M. Schick, Town Clerk

Ross Aragon, Mayor





AGENDA DOCUMENTATION

OLD BUSINESS: VII.2

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 02, 2014

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

PROJECT: SECOND READING OF ORDINANCE 815, AN ORDINANCE THE TOWN OF PAGOSA SPRINGS VACATING PUBLIC UTILITY EASEMENTS ON LOTS D-1, D-2, D-3 & D-4 AS SHOWN ON THE HARMAN PARK SUBDIVISION PLAT.

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Town has received an application for a Lot Consolidation for Lots D-1, D-2, D-3 & D-4 of the Harman Park Subdivision, 209 Harman Drive, the location of the Pagosa Bible Church. As part of the Lot Consolidation, the perimeter Public Utility Easements (PUE) for Lots D-1, D-2, D-3 & D-4 of the Harman Park Subdivision are being requested to be vacated. This is a typical request for lot consolidations, which accommodates the entire lot as developable with no interior easements to build around, if PUE's are not already installed. As part of processing plat amendment applications, all public utility providers are requested to provide comments on the proposed plat amendment. Comments received from all public utility providers indicate that there are NO public utilities installed within the PUE's being requested for vacation. The new Consolidated Lot is required to provide perimeter PUE's for the general installation of public utilities by Town approved public utility provider.

Lot Consolidations and Plat Amendments are administratively reviewed and approved by the Planning Director. The Town has historically vacated PUE's with no installed utilities, with a Plat Note on the Plat Amendment, however, this practice has been challenged by some utility providers and from a few surveyors. The challenge is that the Utility Companies believe they own the easement and they should be required to approve and quit claim deed the easement. The Town's attorney disagrees, as the Town in essence controls the PUE's because the Town approves which utility providers operate and install public utilities within Town boundaries. Though the Town's attorney has supported the Plat Note vacation in the past, after further review and the challenge from some utility providers, it is now suggested the Town Vacate PUE's under the same process as vacating Town Rights-of-Way. This vacation process requires the Planning Commission to hold a Public Hearing, and make a recommendation to Town Council for their consideration in approving a vacation with two readings of an Ordinance, at public hearings.

The Planning Commission heard this matter at a public hearing on August 26, 2014 and Approved a recommendation that town Council ***"Approve Vacating the Public Utility Easements on Lots D-1, D-2, D-3 & D-4 in the Harman Park Subdivision within the Corporate Limits of the Town of Pagosa Springs, contingent on the dedication of Perimeter Public Utility Easements on the Lot Consolidation plat to serve adjoining properties."***

On September 02, 2014, the Town Council ***"Approved the first reading of Ordinance 815, and further directed Directing staff to provide clarification on the location of the privately owned and operated Harman Park sanitation collection system."***

Staff has contacted the Harman Park representative and reviewed maps of the installed private sanitary sewer collection system, and confirmed there are no private utility lines within the requested vacated public utility easements.

ANALYSIS

Below is LUDC section 2.4.3.D, outlining the application requirements and the approval criteria for considering an "Application for Vacation of Public Easements". Please note "APPROVAL CRITERIA" set forth below in section 2.4.3.D.2.b.(ii)

LUDC 2.4.3.D. Vacation of Right-of-Way and Other Public Easements

1. Applicability

This Section shall apply to all requests to vacate all rights, interests, or title of the Town in and to any right-of-way (street, road, alley, or other public way), access easement, or other easement located within the Town. Title to vacated roadways shall vest in accordance with C.R.S. Section 43-2-302, as may be amended from time to time.

2. Procedure

Figure 2.4-8 shows the steps of the common development review procedures that apply in the review of applications for vacations. The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

a. Step 7: Town Holds Public Hearing(s)

(i) Planning Commission Hearing, Review, and Recommendation

Following a public hearing, the Planning Commission shall consider the comments and evidence presented at the hearing and the Staff Report and recommendation of the Director and recommend that the Town Council approve, conditionally approve, or deny the vacation, based on the criteria in Step 8 below.

(ii) Town Council Public Hearing, Review, and Decision

Following a public hearing, the Town Council shall consider the comments and evidence presented at the hearing and the Staff Report and recommendations from the Planning Commission and the Director, and approve, conditionally approve, or deny the vacation, based on the criteria in Step 8 below. The Town Council shall have the right, in its discretion, to vacate only a portion of the total area requested for vacation. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches and canals and similar appurtenances, and for electric, telephone, and similar lines and appurtenances.

b. Step 8: Town Issues Decision/Findings

(i) Approval and Recording

The Town Council shall approve the vacation by ordinance. The ordinance shall be recorded in the Office of the Archuleta County Clerk and Recorder. A signed copy with the reception number shall be retained by the Town. The recording fee shall be paid by the developer.

LUDC 2.4.3.D.2.b.(ii) Approval Criteria

The Town Council may approve a right-of-way or public easement vacation if it finds that all of the following have been met:

(1) The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan;

Staff's Comments: The Public Utility Easement vacation does not affect the intent of the Comprehensive Plan or other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.

(2) The land to be vacated is no longer necessary for the public use and convenience;

Staff's Comments: The subject Public Utility Easements are no longer necessary for the public use and convenience because there will be a perimeter public utility easements dedicate on the Lot Consolidation Plat, ensuring Public Utility Access to the lots adjoining to the west and south of the subject properties.

(3) The vacation of a roadway that exists by right of usage shall occur only if the land adjoining said roadways is left with an established public road or private access easement connecting said land with another established public road;

Staff's Comments: This condition is not applicable.

(4) The vacation will not leave any land-locked parcels; and

Staff's Comments: *No parcel will be rendered land-locked from access to all available Public Utility service.*

(5) The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service.

Staff's Comments: *The new Consolidated Lot perimeter Public Utility Easements will provide the adjoining properties with access to all available public utility service.*

LUDC 2.4.3.D.2.b.(iii) Conditions of Approval

The approval of a right-of-way or public easement vacation shall be conditioned upon:

(1) The holders of any and all easements granted by the original platting of the subdivision conveying to the petitioner all interest in those easements.

Staff Comments: *The current Public Utility Easements are controlled by the Town of Pagosa Springs. Town Councils approval of an ordinance vacating the subject Public Utility Easement, formalizes the release of the previously platted Public Utility Easements.*

(2) Such vacation shall not eliminate rights-of-way or easements serving or potentially serving adjoining properties, unless alternate means of access or another easement crossing the property can serve adjoining properties.

Staff Comments: *The new dedicated perimeter Public Utility Easements created as part of the Lot Consolidation Process, provide Public Utility Easements serving adjoining properties.*

(3) If the vacation is a roadway constituting the boundary line of the Town, the Archuleta County Board of Commissioners has taken action to vacate the roadway.

Staff Comments: *This condition is not applicable.*

FISCAL IMPACT

There is no fiscal Impact to the Town. All expenses associated with this application are the responsibility of the applicant.

PUBLIC NOTIFICATION

Consistent with LUDC table 2.3-1, Notice Requirements, Public Notice was:

- ~ Published in the Sun Newspaper 15 days prior to the PC and TC public hearings.
- ~ Posted on the property 15 days prior to the PC and TC public hearings.
- ~ Mailed to properties owners within 300 feet, 15 days prior to the PC and TC public hearings.
- ~ Posted at Town Hall 15 days prior to the PC and TC public hearings.

ATTACHMENTS

- ~ Ordinance 815, An Ordinance of the Town of Pagosa Springs Vacating Public Utility Easements on Lots D-1, D-2, D-3 and D-4 as shown on the Harman Park Subdivision Plat, with Preliminary Exhibit A.

PUBLIC COMMENTS

- ~ All Town approved Public Utility Providers have been contacted, and have provided comments demonstrating that there are no public utilities installed within the requested PUE vacations.
- ~ The private Harman Park Sanitation Collection System location does not enter any of the proposed vacations.
- ~ No General Public Comments have been received as of the creation of this staff report.
- ~ Any comments received prior to the TC Public Hearing will be presented at that such public hearing.

RECOMMENDATION

Staff recommends the Town Council consider the comments and evidence presented at the hearing, the Staff Report and recommendations from the Planning Commission and the Director, and approve, conditionally approve, or deny the vacation. Below are three alternate actions for consideration, though Town Council is not limited to these options:

- 1) APPROVE the Second Reading of Ordinance No. 815, An Ordinance of the Town of Pagosa Springs Vacating the Public Utility Easements on Lots D-1, D-2, D-3 & D-4 as Shown on the Harman Park Subdivision Plat, contingent on the dedication of Public Utility Easements on the Lot Consolidation plat to serve adjoining properties.**
- 2) Approve the Second Reading of Ordinance No. 815, An Ordinance of the Town of Pagosa Springs Vacating the Public Utility Easements on Lots D-1, D-2, D-3 & D-4 as Shown on the Harman Park Subdivision Plat, contingent on the dedication of Public Utility Easements on the Lot Consolidation plat to serve adjoining properties, with the following additional conditions of Approval) as set forth by the Town Council)**
- 3) DENY the Second Reading of Ordinance No. 815, An Ordinance of the Town of Pagosa Springs Vacating the Public Utility Easements on Lots D-1, D-2, D-3 & D-4 as Shown on the Harman Park Subdivision Plat, contingent on the dedication of Public Utility Easements on the Lot Consolidation plat to serve adjoining properties.**

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 815
(SERIES 2014)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
VACATING PUBLIC EASEMENTS ON LOTS D-1, D-2, D-3 & D-4
AS SHOWN ON THE HARMAN PRK SUBDIVISION PLAT**

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012, April 23, 2013 and April 22, 2014 (the "Charter"); and

WHEREAS, on July 3, 2014, concurrent with the application to approve the Town of Pagosa Springs plat ("Amended Plat"), the Town's planning department received an application for Vacation of Public Utility Easements (the "Application") from Pagosa The Bible Church for the vacation of a public easement for public utilities (the "Easement") which was created by dedication as shown on the Harman Park Subdivision plat, which was previously approved by the Town and recorded as Plat # 718, at Reception No.20412244 of the records of the Archuleta County Clerk and Recorder (the "Plat"); and

WHEREAS, if the Application and Amended Plat are approved, the Amended Plat will be recorded without the Easement being depicted; and

WHEREAS, pursuant to Section 2.4.3.D.2.a(i) of the Land Use Development Code ("LUDC"), the Planning Commission held a public hearing on the Application on August 26, 2014; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the August 26, 2014 public hearing before the Town Planning Commission, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on August 07, 2014, which was at least 15 days prior to the scheduled hearing.
- b. Written notice of the hearing was mailed to the record owners of land immediately adjacent to the Easement, property owners within 300 feet of the Easement and any other person who made a written request for such notice, on August 11, 2014, which was no fewer than 15 days prior to the public hearing.
- c. On August 11, 2014, Public Notice was physically posted at 209 Harman Park Drive, and remained on the property for a period of at least 15 days prior to the public hearing.

- d. While not required by the LUDC, public notice was also posted at Town Hall on August 01, 2014, 2014; and

WHEREAS, pursuant to Section 2.4.3.D.2.a(ii) of the LUDC, a public hearing before the Town Council on the Application was held on September 02, 2014 at 5 p.m.; and

WHEREAS, the Town Council hereby finds that pursuant to Section 2.3.6 of the LUDC, all public notice requirements for the public hearing before the Town Council, were met, as follows:

- a. Public Notice was published in the Sun Newspaper, a newspaper of general circulation in the Town, on August 07, 2014, which was at least 15 days prior to the scheduled hearing.
- b. Written notice was mailed to the record owners of land immediately adjacent to the Easement, property owners within 300 feet of the subject property, and any other person who made a written request for such notice, on August 11, 2014, which was no fewer than 15 days prior to the public hearing.
- c. On August 11, 2014, Public Notice was physically posted on the property at 209 Harman Park Drive and remained on the property for a period of at least 15 days prior to the public hearing.
- d. Although not required by the LUDC, public notice was also posted at Town Hall On August 01, 2014; and

WHEREAS, the Town Council hereby finds that the criteria of Section 2.4.3.D.2.b(ii) of the Town's Land Use Development Code for vacation of a public easement have been met, as follows:

- a. *The vacation is consistent with the Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan. The Public Utility Easement vacation does not affect the intent of the Comprehensive Plan or other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.*
- b. *The land to be vacated is no longer necessary for the public use and convenience. The subject Public Utility Easements are no longer necessary for the public use and convenience because there will be a perimeter public utility easements dedicate on the Lot Consolidation Plat, ensuring Public Utility Access to the lots adjoining to the west and south of the subject properties.*
- c. *The vacation will not leave any land-locked parcels. No parcel will be rendered land-locked from access to all available Public Utility service.*

- d. *The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service. The new Consolidated Lot perimeter Public Utility Easements will provide the adjoining properties with access to all available public utility service.*

WHEREAS, the Town wishes to formally and expressly vacate such Easement within the corporate limits of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

Section 1. Incorporation of Recitals and Findings. The above Recitals and Findings of the Town Council are hereby incorporated into this Ordinance.

Section 2. Vacation of Public Easement. The Town hereby divests itself of all of its right or interest in and to the Easement as shown on the Plat, within the corporate limits of the Town, **Exhibit A.**

Section 3. Recording. In accordance with the requirements of Section 2.4.3.D.2.b(i) of the Town's Land Use Development Code, this ordinance vacating the public easement designated herein shall be recorded in the office of the Clerk and Recorder of Archuleta County.

Section 4. Amended Plat. All remaining rights and easements shown on the Plat and not vacated hereby, whether public or private, are shown on the Amended Plat, to be recorded with this Ordinance.

Section 5. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 6. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 7. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading and after the recordation of a lot consolidation plat deeding perimeter public utility easements for the installation of public utilities to adjoining properties.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY
PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE
CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,
COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS
[REGULAR/SPECIAL] MEETING HELD AT THE TOWN OF PAGOSA SPRINGS,
ON THE ____ DAY OF ____, 20__.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY
TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME
RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA
SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND
PASSED AT ITS [REGULAR/SPECIAL] MEETING HELD AT THE TOWN OF
PAGOSA SPRINGS, ON THE ____ DAY OF ____, 20__.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ____ (Series 20____) was approved by the Town Council of the Town of Pagosa Springs on first reading at its [regular/special] meeting held on the ____ day of _____, 20____, and was published by title only, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 20____, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 20____.

April Hessman, Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ____ (Series 20____) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its [regular/special] meeting held on the ____ day of _____, 20____, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 20____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 20____.

April Hessman, Town Clerk

(S E A L)

AND CREATING LOT D-1X
TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO



SCALE: 1" = 1/10 MILE



NOTES:
1. THIS MAP WAS PREPARED BY THE ARCHULETA COUNTY ENGINEER'S OFFICE FOR THE TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO.
2. THIS MAP WAS PREPARED FOR THE TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO.
3. THIS MAP WAS PREPARED FOR THE TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO.
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2. THIS MAP WAS PREPARED FOR THE TOWN OF PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO.

Revised Utility
Easements



CLEAR AND RECORDERS CERTIFICATE:

I HEREBY CERTIFY THAT THIS ASSESSMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF COLORADO.

DATE: _____ DAY OF _____ 2011

PREPARED BY: _____

MAP SCALE: _____

DATE: _____

CLERK AND RECORDERS



AGENDA DOCUMENTATION

OLD BUSINESS: VII.3

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 18, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: AUGUST SALES TAX REVENUE ANALYSIS

ACTION: DISCUSSION AND POSSIBLE ACTION

CURRENT MONTH SALES TAX & LODGERS TAX REVENUE

In September the Town of Pagosa Springs' sales tax revenue increased by **15.6%** or **\$50,979** compared to September 2014 (based on July 2014 retail sales). Total collections for both the Town and the County for the month equal \$756,331 and the Town of Pagosa Springs portion is half, or \$378,165. That is \$33,267 more than last month. The Town further splits its portion equally between the General Fund and the Capital Improvement Fund with each receiving \$189,082.

Lodgers' tax will be covered separately in the report given by Jennie Green, Executive Director of the Town Tourism Commission.

HISTORIC SALES TAX & LODGERS TAX REVENUE

Sales tax received for the month of July 2014 is a near record amount. As indicated in last month's report, the largest amount received for sales is was in December 2006 and was in the amount of \$382,000. The amount of \$378,165 is now the second highest amount received based upon historical records dating to 2004. For the current year, we continue to see an overall increase and, in fact, for year to date in 2014, sales tax revenue is now up **6.88%** or **\$126,199** compared to the same period in 2013 (\$1,961,543 has been collected to date in 2014 and \$1,835,344 for the same period in 2013).

For Council's consideration, an analysis is being provided to estimate how the sales tax collections are compared to the budgeted amount for 2014. The annual budgeted amount of sales tax for both the General Fund and the Capital Fund is \$1,687,096. Based upon a 10 year analysis of sales tax collections, it can be estimated what percentage of the whole will occur in each month. For example, the data shows that regardless of the total amount received annually, the Town can expect that approximately 12.2% of that total amount will occur in the month of July.

For example, year to date through July, the Town has received \$980,772 for the General Fund. Premised upon the 10 year monthly average, the expectation is the Town should have received about \$936,357 based upon the budgeted annual amount of \$1,684,096. The variance is \$44,415 or 5% higher than budget. For more detail, please see Exhibit A.

ANALYSIS

Resolution 2014-01 mandates 2014 expenditure reductions if sales tax revenues decline from the average revenue of the past two years. The application of the Resolution requires a monthly analysis that averages several months/years of revenue, to smooth out the impact of significant swings in sales tax collections:

Application of Resolution 2014-01:

	2012	2013	Avg.	2014	% Change
July	242,268	252,306	247,287	265,652	+ 7.43%
August	213,498	318,712	266,105	344,899	+ 29.61%
September	231,362	327,186	279,274	378,165	+ 35.41%

The average sales tax collections over the past two months is positive $[(29.61\% + 35.41\%)/2 = +32.51\%]$. The average sales tax collections over the past three months is positive $[(7.43\% + 29.61\% + 35.41\%)/3 = +34.15\%]$. Application of paragraphs 5 and 5(b) of the Council's policy calls for **no** reduction of budgeted expenditures.

Note: For every seven percent (7%) reduction in expenditures, \$236,193 must be trimmed from the budget (\$118,097 from the General Fund and \$118,097 from the Capital Improvement Fund).

ATTACHMENT(S)

Exhibit A

RECOMMENDATION

Informational, no action required.

Town of Pagosa Springs
2014 Sales Tax Estimate
General Fund

Exhibit A

<u>Month</u>	<u>2014 Estimated</u>	<u>2014 Actual</u>	<u>Variance</u>	<u>10 Year Ave. % Collection</u>
January	113,035	123,998	10,963	6.7%
February	107,974	107,180	(794)	6.4%
March	124,845	146,689	21,844	7.4%
April	104,600	108,547	3,947	6.2%
May	123,158	132,826	9,668	7.3%
June	158,587	172,449	13,862	9.4%
July	205,826	189,083	(16,743)	12.2%
August	158,587			9.4%
September	160,274			9.5%
October	138,342			8.2%
November	124,845			7.4%
December	167,023			9.9%
TOTAL	1,687,096	980,772	42,747	100.0%
Jan - July 2013:	938,025			
Percent Ahead:	5%			



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: VIII.1

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 18, 2014

FROM: SHANE LUCERO
COMMUNITY CENTER

PROJECT: COMMUNITY CENTER UPDATES
ACTION: UPDATE AND DISCUSSION

UPCOMING EVENTS

August 24th, the RACC will host movie night in the multi-purpose room. We will be showing "Mrs. Doubtfire". Doors open at 6:30 and the movie starts at 7pm. We will be offering admission, a drink, and dinner (bowl of spaghetti) for \$7. We hope this will help busy families still be able to have a fun and inexpensive night out together.

Our afterschool program for kids grades k-12 will begin on the 2nd week of October. Our focus will be to offer a free program that helps kids lead healthier lives through fitness, exercise and nutrition. We will plan hikes, outdoor scavenger hunts, obstacle courses and other activities to keep kids moving.

Aug. 26-27, the Multi-Purpose room is reserved for a wedding.

CENTER UPDATES

August 27th we had movie night. We showed "The Sandlot." 25 people were in attendance. All proceeds go to our youth programs.

We ordered a new disco ball. The one we owned had to be retired. It lost its shine and mirrors.

Registration is almost full for the Fall Brawl kickball tournament which will be held Oct. 4, 2014.

RACC is currently seeking volunteers and donations for the Halloween Carnival.

We are currently planning community events for Winter and Spring.

There are 12 programs currently being offered at RACC.



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: VIII.2

PAGOSA SPRINGS TOWN COUNCIL
SEPT. 18, 2014

FROM: TOM CAROSELLO, PARKS AND RECREATION DIRECTOR

PROJECT: PARKS AND RECREATION DEPARTMENT REPORT

ACTION: UPDATE, DISCUSSION AND POSSIBLE ACTION

PARKS AND RECREATION COMMISSION UPDATE

The latest Parks and Recreation Commission (PRC) meeting was held Sept. 10; the minutes from this meeting will be provided when they become available. The next PRC meeting will be held Wednesday, Oct. 15 at 5:30 p.m. in Town Hall.

RECREATION PROGRAMS UPDATE

This year's soccer season will conclude the week of Oct. 13; there are 232 local youths playing in this year's league (up 30 participants from last year), plus approximately 25 youngsters from Dulce, N.M.

Registration for the first session of youth basketball (ages 7-8) will begin next week. The season for this division will begin in early November and run through mid-December.

The youth volleyball program for ages 9-12 will be postponed temporarily due to lack of gym space in the community center this fall, but the program will be rescheduled for next spring. As a consequence, the adult basketball program, which is usually scheduled for early spring, will not be offered next year.

PARKS UPDATE

In addition to routine parks maintenance, the parks crew will be aerating and fertilizing the turf in each of the Town parks for the final time this year in the coming weeks. Top dressing and seeding will also be occurring over the next several weeks in some of the parks.

The crew also recently completed reseeding and mulching efforts on the Reservoir Hill festival meadow.

CAPITAL IMPROVEMENT PROJECTS UPDATE

RESERVOIR HILL OBSERVATION DECK: Construction is ongoing and should be completed by late fall.

RESERVOIR HILL RESTROOMS: The restrooms were installed over a two-day period in late August (Aug. 21-22) and were recently opened for public use. The restrooms were not available for use during this year's Folk Festival, but could be available next year pending minor changes to the current contractual agreements with FolkWest.

RIVERWALK REPAVING: Staff is currently obtaining cost estimates for repaving the stretch of Riverwalk behind the River Center. Once an acceptable estimate is received, staff will provide an update regarding the timeline and funding options for this endeavor.

Town of Pagosa Springs Parks and Recreation Commission

Minutes from Wednesday, August 13, 2014

The chair, Mike Musgrove, called the meeting of the Town of Pagosa Springs Parks and Recreation Commission to order at 5:36p.m. The following were present:

Commission Members: Maddie Beserra, Sally High, Scott Miller, Mike Musgrove, John Perea and Ed Simpson. Mat deGraaf, Mike Le Roux, and John Steinert were absent

Staff: Tom Carosello, Jim Miller, and Jenny Green.

Announcements: Commission Chair Mike Musgrove began by suggesting a work session be held at which the Commission consider and refine its mission statement. A consensus was reached establishing a meeting time of 5:45pm on Wednesday, August 27th for the work session to take place.

The minutes of the July 16, 2014 Parks and Recreation Commission meeting were reviewed. A motion to approve the minutes was received from Commr. Perea which received a second from Commr. Beserra. It passed unanimously.

Department Head Reports

Tom Carosello reported that adult softball had ended the previous week. He said that youth soccer registrations were up by 15 participants over 2013, and that the sand volleyball program was underway. He also stated that youth gymnastics would start in September. He passed around a photo of the work done in South Pagosa Park by the group of Pickle Ball enthusiasts organized by Heidi Moller, and added that requests from other groups wishing to utilize Town facilities for recreational activities were constantly increasing. A discussion of the use of the Town Park Athletic Field for an ice rink this coming winter ensued. The Commissioners agreed that a nominal charge be imposed for the use of the property would be necessary to avoid setting a precedent of private groups getting Town Facilities for free. It was also requested that signage and risk waivers be utilized to protect the Town against liability issues that could arise at the rink. Jim Miller said that he'd develop a MOU with the Friends of the Pavilion to address the Commissioners' concerns. Then Mr. Miller requested the Commissioners begin thinking about potential uses for the large amount of lumber that would be generated by the thinning operation that was slated to take place this coming winter on Reservoir Hill. He also stated that the observation platform being built by the Friends of Reservoir Hill was making headway.

New Business

Tom Carosello presented an overview of a request from FolkWest that they be allowed to place a storage container for equipment used in the production of their music festivals on the hill adjacent to the water tank. Citing the pending decision of the Town Planning Commission on whether metal storage units would be permissible in Pagosa Springs and other concerns, the following motion was received from Commissioner Beserra: That the Parks and Recreation Commission decline to allow the placement of such a container on Reservoir Hill and recommend that the Town Council take the same position. The motion received a second from Commissioner Simpson and passed unanimously. Then the Commissioners heard a request that one member volunteer for a group also to include Trustee Schanzenbaker and Police Chief Rockensock formed to discuss the possible revision of the Town Code to allow dogs to be off-leash on Reservoir Hill. A show of hands indicated that the majority of the Commission agreed that the ordinance should remain as is, and Commissioner Musgrove volunteered to present that consensus to the study group.

Old Business

Jenny Green of the TTC showed the Commission the design of new signage for the trailheads on Reservoir Hill and some brochures based on those signs that would be available at the trailhead kiosks. The Commissioners were generally supportive of her proposal, but wished for more detailed information before a final okay could be given to proceed with the production of the signs. Then Mike Musgrove gave an update on the grant submittal for the second phase of the skatepark, which he stated was moving forward.

Other Business

Sally High gave an update on the Geothermal Greenhouse Project, saying that conversations with Ken Charles of the Department of Local Affairs had been potentially very productive, and that grant funding from the Pagosa Noon Rotary Club was also in the works. A discussion followed about the Town's support for the project and the importance of clear communication between the various stakeholders involved in the project.

At 7:00p.m. a motion was received from Commissioner Miller that the meeting be adjourned. It received a second from Commissioner Beserra and passed with unanimous consent. The next regularly-scheduled meeting of the Town of Pagosa Springs Parks and Recreation Commission will be at 5:30p.m. on September 10, 2014 at the Pagosa Springs Town Hall.

Mike Musgrove, Chair



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: VIII.3

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 18TH, 2014

JENNIFER GREEN
DIRECTOR, TOWN TOURISM COMMITTEE

PROJECT: TOWN TOURISM COMMITTEE
ACTION: DISCUSSION AND POSSIBLE ACTION

TTC MEETING ACTIVITY

The Town Tourism Committee held a 2015 budget planning retreat on Tuesday, September 9th, in lieu of its regularly scheduled September. The next TTC meeting will be held Tuesday, October 14th at 4pm at the Community Center. There have been multiple sub-committee meetings held in the last few weeks as preparations for 2015 continue.

TTC FINANCIAL REPORT

July 2014 lodging tax collections are incomplete, with multiple properties having not paid as of the time of this report. At the time of this report, July lodging tax collections totaled \$59,374.60, an increase of 5.67% over 2013. The total also tops the previous July record, set in 2011. When all collections have been received, July lodging tax is anticipated to be approximately 15% up over 2013. The included document shows the history of tax collections since 2007. Please note that 2013 totals increased slightly, as a property recently remitted payments that had been in arrears.

VISITOR CENTER UPDATE

- Brochures have been reorganized in lobby, allowing for the removal of two wooden racks, making the lobby feel even more open than before
- New water bottle refill station has been ordered; awaiting on delivery
- Water bottles, tote bags and pens have arrived as "giveaways"
- Volunteers tours of area campgrounds / RV parks conducted August 27th; Tours of all lodging properties (hotels / motels, B&Bs, cabins) scheduled for Sept 18th and 25th
- Hot Springs tours and appreciation dinner scheduled for Tuesday, October 14th
- Quotes for new signage being obtained from Design a Sign and others in order to determine next steps
- Both Hiking / Driving Brochure and Reservoir Hill brochure are currently being printed and should arrive in town
- Heritage brochure is on hold as the current members of the Historic Preservation Board disagree with the content provided by previous HPB members and in use since 2009; TTC Director informed that new content will be provided in early 2015.

LEAD COLLECTION (VISITOR GUIDE REQUESTS)

History of Leads / Visitor Guide Requests by month:

	Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
2010	1984	2413	3171	2601	3330	3221	2533	3110	1959	1436	1622	1279	28,659
2011	1443	2255	1657	4255	3684	2092	1945	1789	1518	995	1160	921	23,714
2012	2111	2704	2690	1730	2010	4445	3998	2624	3157	1435	1575	1392	29,871
2013	5322	3281	2658	4357	3626	3537	4372	3040	2791	995	1158	1356	36,491
2014	2,074	2,672	3,857	2,909	2,358	3,118	2,185	1,617					20,790

TTC Director and Town Council member (also Marketing Chair of TTC), CK Patel met with RA Burrell of Tourism Intelligence Group (formerly Internet Honey) on September 8th to review our progress. All in all, leads are down across all DMOs, largely due to leads being down through Colorado Tourism Office programs. The CTO is about to launch its 3rd new website makeover in the last two years. RA suggested that we do not change anything we are doing, but continue to add new pieces as the budget allows, as our results are impressive and we continue to outperform other DMOs with larger budgets.

A few other factors to consider, lead sources that produce large quantities of leads, but poorly qualified leads were eliminated in 2014 by the TTC (Madden Media, etc). In 2013, Madden produced in excess of 6,500 leads for Pagosa between April and July. Lead totals are only those that have requested visitor guides. Requests for printed materials continue to decrease as more and more travelers plan their vacations online.

2015 MARKETING PLANS

A new focus in 2015 is group travel. Group travel shows are less trade show booth and more geared towards one on one meetings with Tour Operators, meeting planners, etc. TTC Director and CK Patel are scheduled to attend Go West Summit (Western US conference) in Colorado Springs in February 2015. Each will have 20-25 meetings. Additionally, IPW (Internal Pow Wow) will be held in Orlando in early June 2015. TTC is working to develop materials that introduce Pagosa Springs to the group travel market (different messaging than consumer travelers). Entering the group travel market is a sign of our growth and maturity in marketing Pagosa Springs as a tourism destination. In 2015, the TTC Director will work all of the leads collected and develop the new market. It is anticipated, if successful, group sales will become a new position in 2016 or beyond. For example, Durango (DATO) has two full time staff focused on bring groups and meetings to their destination, in addition to the staff that Durango-Silverton Train has in place focused solely on group travel.

SOCIAL MEDIA UPDATE

- Facebook - www.facebook.com/visitpagosasprings Facebook: 9,461 fans
- Instagram - www.instagram.com/visitpagosa: 876 followers
- Twitter - www.twitter.com/visitpagosa - 629 followers

Phil Keoghan, host of the Amazing Race on CBS, recently contacted TTC Director (we have stayed in touch since his bike ride for MS and visit to Pagosa) that his parents were passing through Pagosa and wanted to say "hi". We met at the visitor center and a few photos were captured. Phil in turn posted a photo, tagging @visitpagosa, to his 118,000 followers. Efforts in hosting him in 2009 continue to pay off with additional publicity for Pagosa.

PR / SOCIAL UPDATES

- The #FallForPagosa "Photo Scavenger Hunt" launches this week on Facebook, Twitter and Instagram. Taking advantage of the existing visitor draw to Pagosa Springs to experience the fall foliage, fall events and fall adventures, #FallForPagosa will encourage visitors, followers and fans of Pagosa Springs to share their Pagosa Springs adventures for a chance to win various prizes, including entry into a Choose Your Own Adventure Getaway package. Multiple lodging properties are offering discounts during the campaign; which will run through mid November. Water bottles and tote bags are available at the visitor center as an immediate prize for scavenger hunt completion.

2015 EVENT FUNDING

- The Town Tourism Committee will send out applications for event organizers to apply for marketing funds for 2015 events, apply to use acquired infrastructure items and a new application to solicit requests for permanent infrastructure to enable new events and / or activities; application will be due in late October, with funding notifications provided in December following interviews with applicants in November.

2014 HOLIDAY PALOOZA

- Plans are underway to prepare for this year's Holiday Palooza efforts; a community meeting is scheduled for Thursday, October 9th; currently the visitor center is soliciting input on festive events that will take place from Thanksgiving through New Years. The goal of the enhanced holiday celebrations is to encourage visitation to Pagosa throughout the holiday season, not just during the holidays.

Town of Pagosa Springs Monthly Lodgers Tax Collections

	2007	2008	2009	2010	2011	2012	2013	2014	2014 % Change vs 2013
January	\$ 22,904.43	\$ 23,544.00	\$ 24,228.00	\$ 27,295.00	\$ 26,943.65	\$28,916.00	\$32,499.75	\$35,389.65	8.89%
February	\$ 20,543.13	\$ 17,002.00	\$ 19,360.78	\$ 21,960.24	\$ 21,824.65	\$26,003.00	\$25,510.87	\$31,222.00	22.39%
March	\$ 33,516.00	\$ 31,216.00	\$ 29,925.00	\$ 34,928.74	\$ 37,350.40	\$43,034.00	\$40,383.00	\$49,398.65	22.33%
April	\$ 15,879.04	\$ 12,500.00	\$ 15,186.00	\$ 15,765.00	\$ 16,830.71	\$16,911.65	\$17,607.00	\$23,845.75	35.43%
May	\$ 20,590.00	\$ 19,276.00	\$ 21,949.00	\$ 21,049.00	\$ 21,758.00	\$24,283.00	\$26,942.73	\$32,737.00	21.51%
June	\$ 31,803.61	\$ 29,041.00	\$ 32,622.11	\$ 37,539.26	\$ 36,091.00	\$40,508.45	\$44,148.14	\$51,850.00	17.45%
July	\$ 43,728.00	\$ 44,693.00	\$ 50,124.71	\$ 51,931.50	\$ 57,316.65	\$52,571.99	\$56,190.71	\$59,374.60	5.67%
August	\$ 35,610.05	\$ 38,092.00	\$ 42,307.85	\$ 41,714.00	\$ 44,944.49	\$49,948.65	\$52,182.92		0.00%
September	\$ 36,500.00	\$ 32,363.75	\$ 35,610.05	\$ 41,333.05	\$ 44,019.85	\$42,499.79	\$42,615.00		0.00%
October	\$ 25,264.55	\$ 22,041.46	\$ 25,764.55	\$ 28,857.93	\$ 30,661.54	\$27,482.50	\$35,281.65		0.00%
November	\$ 14,866.00	\$ 16,232.00	\$ 19,815.65	\$ 21,348.00	\$ 27,542.05	\$23,180.44	\$27,340.00		0.00%
December	\$ 31,652.00	\$ 31,934.69	\$ 35,456.65	\$ 40,197.65	\$ 41,931.00	\$40,345.00	\$43,900.00		0.00%
Total	\$332,856.81	\$317,935.90	\$352,350.35	\$383,919.37	\$407,213.99	\$415,084.47	\$444,601.77	\$283,817.65	16.66%
\$\$ Difference (over previous year)		\$(14,920.91)	\$ 34,414.45	\$ 31,569.02	\$ 23,294.62	\$ 8,470.48	\$ 28,917.30	\$40,535.45	
% Difference		-4.48%	10.82%	8.96%	6.07%	2.08%	6.96%	16.66%	
							\$243,282.20		



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT:VIII.4

PAGOSA SPRINGS TOWN COUNCIL, SEPTEMBER 18, 2014

FROM: JAMES DICKHOFF, TOWN PLANNING DIRECTOR

PROJECT: PLANNING DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

HISTORIC PRESERVATION BOARD (HPB) UPDATE

At the August 27, 2014 HPB work session, the HPB discussed a TTC proposed heritage tourism brochure. The HPB rejected the proposed brochure and decided to fully engage and participate in the development of a comprehensive and accurate brochure. Staff suggested the deadline be mid-winter to ensure printed brochures are available by the Summer Tourism season.

The Next Regular HPB meeting is on September 10, 2014 at 5:15pm in Town Hall.

Approved Historic Preservation Board Meeting minutes are posted on the Town's web Page. Staff has not been providing hard copies of PC Minutes to the TC. If directed to do so, Staff can provide hard copies of minutes in the Town Council packet if the future.

PLANNING COMMISSION (PC) UPDATE

At the August 26, 2014 PC meeting:

- 1) The Planning Commission approved a sign variance for 105 Hot Springs Blvd, the Visitors Center, increasing the available signage, allowing the display of up to 170 sq ft of exterior signage.
- 2) The PC also briefly discussed the following matters further and present their initial finding to the TC for direction to pursue these issues further.
 - a. The current prohibition of metal sided buildings in commercially zoned properties, and the possibility of allowing metal sided buildings.
 - b. The current minimum density regulations in the R-18 Zoning District and the possibility of allowing less density.
 - c. The current minimum lot size for single family lots in residential zone districts and the possibility of allowing smaller lots that would be consistent with the existing maximum density standards.
 - d. Limiting the location and use of Cargo Containers.
 - e. Prohibiting or limiting the use of LED Variable Message Signs

To discuss the above matters in more detail, The Planning Commission has scheduled an all-day work session for Monday September 15, 2014 from 8am – 5pm at the Quality Inn Resort located at 3505 W. Hwy 160. The Planning commission intends to discuss potential LUDC revisions, and presentation of these suggestions to Town Council. Other matters will also be discussed.

Approved Planning Commission Meeting minutes are posted on the Town's web Page. Staff has not been providing hard copies of PC Minutes to the TC. If directed to do so, Staff can provide hard copies of minutes in the Town Council packet if the future.

DOWNTOWN TREE PLANTERS

Staff was asked to look at the possibility of modifying the tree planters on the sidewalk along the north side of the 400 block of Pagosa Street. Staff has talked with the Streets Department Supervisor, Chris Gallegos and Parks Superintendent, Jim Miller regarding modifying these planters for their input and direction. In General, the main issue seems to be the raised curb around the perimeter of the planters, and the trip hazard they provide. These curbs do accommodate the raised earth for the tree bases. The curbs could be removed by saw cutting around the current curbs and re-pouring concrete sidewalk without the curb, and install a tree planter grate. During the concrete sidewalk re-pouring, a ledge would be install to rest the new grate on. The trees would need to be

removed to dig the planting box deeper, as the trees would need to be dropped about 6 – 8” to accommodate the new grate. By digging the planting holes deeper, shale could be encountered and may need to be jack-hammered out. It is suggested that in the general area on these planters, that existing damaged sidewalk sections be re-poured during the project,. Town Streets Department said they could do the work, however, due to their regular priority work load, they may not be able to stay on the project continuously until it is completed, drawing the project out over many months. Chris Gallegos recommended hiring a contractor to do such work.

DOWNTOWN HWY 160 TRAFFIC CALMING MEASURES

Planning Staff has asked for pricing on “Courtesy Speed Limits Signs” that could be installed along the downtown stretch of Main Street, that would indicate current vehicle speeds in relation to the actual speed limit. These signs come with many options ranging from a very basic speed reading feature to automatic Police notification of speeders, Cameras, and data collection of average vehicle speeds. As part of the recent 100 block of Pagosa Street sidewalk improvements, the electricity needs for these types of signs was taken into consideration and designed into our available electric services.

Planning Staff is working with CDOT and the Streets Supervisor, Chris Gallegos, to coordinate a parking space marking project, in hopes of providing one more traffic speed calming feature along downtown main street. Depending on the upcoming weather, this could still be installed this year, however, Mr. Gallegos recommends we wait until next stripping season due to paint being 3 weeks out and winter weather on it’s way, unless directed otherwise by Town Council. We are working with CDOT for final approval, which will only take a couple of days.

Staff had also previously presented the possibility of providing cross walk pedestrian flags, that pedestrian could use while crossing at crosswalks, as an additional tool to get drivers attention, the pedestrian would then leave the flag at the opposite side of the road after crossing, in a designated container for use by the next pedestrian. It was determined to see how the new cross walk improvements would function before looking into this addition further. This is an untypical type of feature that CDOT has, in the past, reluctantly accepted us looking into and proposing for their approval. There would be an up-front costs for flags and clear interpretive signage for the use of the flags and the responsibility of pedestrians. Ongoing costs would be the continual replacement and stocking of such pedestrian flags.

8TH STREET SIDEWALK LANDSCAPING WORK CONTINUES

The Landscaping along the new sidewalk next Library was originally to be completed by Town Parks staff, however, with the number of additional work load they were given last minute this year, they were unable to complete the project as originally anticipated. Following the last TC meeting, Planning Staff spoke with the Town Parks Superintendent, Jim Miller, who just that day, delivered additional large river rock to the site of the 8th Street Sidewalk along the Library, in hopes of completing the landscaping in the next two weeks. The landscaping is slated to receive a dry creek feature and one live planting island.

The landscaping island at the NW corner of the 8th Street intersection with Hwy 160, is slated to be completed as part of the trail project between 8th and 10th Streets next spring.

WIDENING OF PEDESTRIAN SIDEWALK RAMP FROM OVERLOOK PARKING LOT DOWN TO RIVERWALK.

Staff has not yet looked into an estimated cost of widening the existing narrow and steep pedestrian sidewalk from the overlook parking lot observation deck down to the river walk. The area around the ramp is very steep and has a number of constructability challenges for providing a wider hard surfaced ramp structure. A previously approved TTC improvement included a wider raised deck ramp in the second phase of an observation deck improvement project. The TTC proposed project was tabled in 2013, since it became apparent there was a wide range of different ideas from other community groups regarding the overall overlook parking lot and observation deck improvements. Staff would recommend a larger discussion with the entire community regarding potential improvements to this area before an investment is made on just the ramp structure, though staff defers to Town Council for further direction regarding this matter. There is current a wider ramp at the east end of the Parking lot accessing the river walk, though, this is also very steep and not ADA compliant.



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: VIII.5

PAGOSA SPRINGS TOWN COUNCIL, SEPTEMBER 18, 2014

FROM: SCOTT FROST SPECIAL PROJECTS MANAGER

PROJECT: SPECIAL PROJECTS DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

MAJESTIC DRIVE PAVING PROJECT UPDATE

All administrative work is done and we are expecting work to begin any day. A Specific start date will be identified by the Council meeting on the 18th.

6TH STREET PEDESTRIAN BRIDGE (RIVERWALK PHASE 3)

A Pre-Construction Meeting was held on 09/09/14, with Representatives from Davis Engineering, Concrete Connections, Hart Construction and T.O.P.S. James Dickhoff and Scott Frost represented the Town.

Hart Construction provided a provisional construction schedule showing ground breaking on 6th street beginning Monday Sept 15, and the Bridge being set on November 18/19 This Schedule is dependent on favorable weather, a provision for construction delays is included in the contract.

A Traffic Control Plan was submitted to Scott Frost and Chris Gallegos by ACM construction for closing 6th street on Monday, Sept 15 to allow a boring rig to begin excavation for the concrete abutments required on that side of the river.

A T.O.P.S building permit will be pulled by Hart Construction, which will allow for dual inspection by Davis Engineering and Town Building Official Zach Richardson.

A Meeting was held on Sept 10 with Zach Richardson, James Dickhoff, Scott Frost and Licensed Electrician Richard Higby to discuss potential lighting features for the bridge.

YAMAGUCHI SKATE PARK PHASE 2

A grant application was submitted to GOCO in time for the fall grant cycle. Awards will be notified in December.

WELCOME SIGN LANDSCAPING

A request for design and construction bids for landscaping features on the Welcome Signs has been advertised in the newspaper and on the TOPS webpage. So far no proposals have been received.

RESERVOIR HILL GAZEBO STAINING

Scott Frost and Tom Carosello are reviewing proposals for staining the Gazebo. The initial project scope included a complete finish removal by mechanical means (bead or media blasting) and application of log stain. budget restrictions have required that a different approach be identified, with a chemical strip and power wash appearing to be the most feasible. Target completion date is this fall, depending on weather and visitor use schedule for the gazebo.

REQUEST FOR REIMBURSEMENT

The Special projects department is in process of closing out the riverwalk phase 2, fishing is fun and CMAQ Mag Chloride grants.



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: VIII.6

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 18, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: TOWN MANAGER'S REPORT
ACTION: UPDATE AND DISCUSSION

GEOTHERMAL WATER AND POWER AUTHORITY

At the last Geothermal Authority meeting on September 8th, the Authority Board adopted a partial year budget as required for governmental entities and also heard about the option of a possible concession format for an agreement between the Authority and Pagosa Verde. Staff has been directed to work with Pagosa Verde to explore this option or to continue with pursuing the L.L.C. format. Since the last update, we have received formal notification from DoLA of the \$1.9 million Energy Impact Award. Last, the Authority met in executive session to discuss deal points for the land lease with Fairway Trust for the drilling site.

FRANCHISE AGREEMENT WITH LA PLATA ELECTRIC ASSOCIATION (LPEA)

I have received a draft copy of a Franchise Agreement from the staff at LPEA and I, along with Town Attorney Bob Cole, will be reviewing the draft and preparing a response on behalf of the Town. Perhaps related to the Franchise Agreement, there are plans, with no date set yet, to hold a public forum on the smart meters. Town Council will be informed of the date and time of the forum.

FRANCHISE AGREEMENT WITH USA COMMUNICATIONS

On a related note on franchise agreements, USA Communications has come forward to propose a modification to their franchise agreement related to the timing of the renewal of the required bond. After reviewing the language, both Bob Cole and I agree the language is sufficient but offered them the option of providing a letter of credit. USA Communications has not responded to this offer.

PAGOSA SPRINGS COMMUNITY DEVELOPMENT CORPORATION UPDATE

On September 5th, the Transition Team continued to meet with representatives from Region 9, Ed Morlan and Laura Lewis. There was continued discussion about the re-birth of the Pagosa Springs Community Development Corporation (PSCDC). It was concluded that it was prudent hear the results of the CDC Board of Directors meeting that occurred on Sept. 10th. A new slate of Board of Directors was installed and includes: Cindi Gallabota, Mike Heraty, Mike Hayward, Sherry Waner, and Jeff Gavliniski. They join Jason Cox and Morgan Murri for a seven member Board.

JOINT TOWN AND COUNTY MEETING AND ISSUES

As the Town Council is aware, the Town and Board of County Commissioners supported the placement of the three advisory questions for the November ballot and that was done on September 2nd. The Town and County has also worked on investigating collaboration on the lodgers tax. A Subcommittee was established and a draft proposal for combining efforts was reviewed and approved by the Subcommittee on September 2nd. The draft proposal was presented to the Joint Town / County Meeting on Sept. 16th.



551 Hot Springs Boulevard
Post Office Box 1859
Pagosa Springs, CO 81147
Phone: 970.264.4151
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**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
MEETING AGENDA
THURSDAY, SEPTEMBER 18, 2014
Town Hall Council Chambers
12:00 P.M.**

- I. CALL MEETING TO ORDER**
- II. APPROVAL of MEETING MINUTES FROM SEPTEMBER 2, 2014**
- III. PUBLIC COMMENT – *Please sign in to make public comment***
- IV. NEW BUSINESS**
 - 1. Preliminary 2015 Budget**
- V. OLD BUSINESS**
 - 1. PAWSD/Pipeline Update**
- VI. DEPARTMENT HEAD REPORT**
 - 1. District Report**
- VII. APPROVAL OF AUGUST FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS**
- VIII. NEXT BOARD MEETING OCTOBER 7, 2014 AT 5:00PM**
- IX. ADJOURNMENT**



AGENDA DOCUMENTATION

NEW BUSINESS:IV.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

SEPTEMBER 18, 2014

FROM: GREGORY J. SCHULTE AND GENE TAUTGES

PROJECT: SANITATION DISTRICT PRELIMINARY 2015 BUDGET

ACTION: FOR COUNCIL INFORMATION

PURPOSE/BACKGROUND

As specified by Colorado Revised Statutes, the Pagosa Springs Sanitation and General Improvement District (District) is required to prepare and adopt an annual budget by December 31st each year. The District also has an internal budget calendar in place to ensure a timely preparation and review of the proposed budget. This presentation of the budget represents a preliminary budget for the Board's consideration and review. Subsequent to this presentation, there will be a budget work session scheduled for the District and planned to occur in conjunction with the Town Council work sessions scheduled between October 8th and 16th. The budget timeline for the District is as follows:

- | | |
|---|------------------------------|
| - Preliminary Budget Presentation: | September 18 th |
| - Budget Work Sessions: | October 8 – 16 th |
| - First Ordinance Reading for the Budget: | November 20 th |
| - Final Budget Adoption: | December 2 nd |

Revenues

Revenues are significantly different in 2015 compared to 2014 because of the pipeline project. In 2015, the projected revenues are more in line with what was occurring in 2013 prior to the pipeline installation. It's important to remember these are projection and will change prior to final adoption of the 2015 budget as there will be a revised estimate as to how much of the pipeline is completed in 2014 and what portion, if any, will be carried over in 2015. Other than the revenue related to the pipeline, the only material difference is the expected revenue in the Plant Investment Fees collected and this is correlated to the amount of development activity that would trigger that fee.

Expenditures

Expenditures in the Personnel section are expected to increase slightly due to the COLA adjustment and possible merit increase. Costs in the Contractual section are also increasing due to continued work in cleaning and televising lines as well as manhole repairs. Furthermore, in 2015, it is expected we will begin payment to PAWSD for sewage treatment. In the Commodities section, a new vehicle for the Sanitation District is proposed as well as increased costs for electricity for the pipeline pump stations. Once the one-time costs associated with the pipeline are factored out, the annual expenditures become consistent with what was occurring in 2013.

ATTACHMENT

Preliminary 2015 Budget

RECOMMENDATION

None – for Council information only.



Preliminary Budget
Pagosa Springs Sanitation and
General Improvement District

Fiscal Year 2014

551 Hot Springs Blvd
Pagosa Springs, CO 81147

Presented: September 18, 2014

PSSGID SUMMARY OF REVENUES AND EXPENDITURES

	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
REVENUES					
Taxes and Assessments	743,054	733,199	739,523	741,024	742,500
Charges for Services	13,400	46,371	13,400	63,950	36,350
Intergovernmental Revenue	3,250,000	0	4,953,000	5,845,070	0
Total All Revenues	4,006,454	779,571	5,705,923	6,650,044	778,850
Prior Year End Carryover Reserve	1,467,376	1,484,866	1,531,827	1,789,897	1,264,809
Total Available	5,473,830	2,264,437	7,237,750	8,439,941	2,043,659

EXPENDITURES					
Personnel	72,836	66,357	70,166	70,226	72,165
Contractual	120,500	50,604	113,500	58,000	182,750
Commodities	130,335	96,746	246,765	208,365	126,245
Capital Improvements	50,469	50,467	50,471	50,471	50,470
Treatment Plant Upgrade	2,945,000	468,436	4,203,000	6,788,070	312,717
Total Expenditures	3,319,140	732,610	4,683,902	7,175,132	744,347

Year End Cash Reserve	2,154,690	1,531,827	2,553,848	1,264,809	1,299,312
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PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT ENTERPRISE

REVENUES

Account	Description	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
TAXES AND ASSESSMENTS						
53-38-100	Monthly Collections	647,548	634,812	647,548	647,549	650,000
53-38-310	Property Tax	90,506	91,546	86,975	86,975	86,000
53-38-320	Special Ownership/MVL	5,000	6,842	5,000	6,500	6,500
	subtotal	743,054	733,199	739,523	741,024	742,600
CHARGES FOR SERVICES						
53-38-200	Plant Investment Fees	9,000	34,858	9,000	54,100	27,000
53-38-600	Misc. Interest	1,800	2,268	1,800	1,800	1,800
53-38-610	Misc. Receipts	100	2	100	50	50
53-38-900	Penalty	2,500	9,243	2,500	8,000	7,500
	subtotal	13,400	46,371	13,400	63,950	36,350
	Total for Taxes/Charges for Service	756,454	779,571	752,923	804,974	778,850
INTERGOVERNMENTAL REVENUE						
53-38-500	DOLA Pipeline Grants	1,250,000	0	1,250,000	1,250,000	0
53-38-550	CWRPA Pipeline Loan	2,000,000	0	2,000,000	2,000,000	0
53-38-620	PAWSD Pipeline Loan Phase 2	0	249,930	1,703,000	2,595,070	0
	subtotal	3,250,000	0	4,953,000	5,845,070	0
	Total Annual Revenue	4,006,454	779,571	5,705,923	6,650,044	778,850
	Prior Year End Cash Reserve	1,467,376	1,484,866	1,531,827	1,789,897	1,264,809
	Total Revenues	5,473,830	2,264,437	7,237,750	8,439,941	2,043,659

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT ENTERPRISE

EXPENDITURES

Account	Description	2013 Budget	2013 Actual	2014 Budget	2014 Estimate	2015 Budget
PERSONNEL						
53-40-110	Collection System Supervisor	47,080	47,068	47,995	47,995	49,325
53-40-111	Training/Travel	2,000	435	2,000	2,060	2,500
53-40-131	FICA	3,602	3,202	3,672	3,672	3,773
53-40-132	Health Insurance	17,800	13,298	14,100	14,100	14,100
53-40-134	Pension	2,354	2,353	2,400	2,400	2,466
	Subtotal	72,836	66,357	70,166	70,226	72,165
CONTRACTUAL						
53-40-221	Bookkeeping	25,000	25,000	25,000	25,000	25,000
53-40-224	Audit	3,000	3,000	3,000	3,000	3,500
53-40-226	Attorney/Legal	12,000	3,401	12,000	3,000	5,000
53-40-228	Contractual Maint/Repair Services	50,000	37	50,000	6,000	50,000
53-40-438	Engineering	10,000	1,666	5,000	3,500	1,000
53-40-227	Sub-Contracted Licensed Operations	3,000	0	1,000	0	1,000
53-40-460	Project Bonding and Insurance	17,500	17,500	17,500	17,500	17,500
53-40-	PAWSD Sewage Treatment	0	0	0	0	70,000
53-40-	Utility Billing and Hosting	0	0	0	0	9,750
	Subtotal	120,500	50,604	113,500	58,000	182,750
COMMODITIES						
53-40-202	Office Supplies	7,250	7,584	7,250	7,250	250
53-40-220	Vehicle/Equipment Maintenance & Fuel	9,000	5,236	9,000	2,000	24,000
53-40-222	CDPHE State Permits	1,325	1,230	1,325	1,325	1,325
53-40-223	County Treasurer Fees	1,910	2,399	1,840	1,840	1,820
53-40-281	Technology	0	0	500	150	2,600
53-40-	Telephone	0	0	0	0	650
53-40-402	Postage	6,000	3,444	6,000	6,000	5,500
53-40-408	Maintenance Lift Stations	25,000	4,519	75,000	75,000	6,000
53-40-409	Maintenance Collections System	20,000	23,355	85,000	70,000	10,000
53-40-410	Maintenance Treatment System	20,000	6,599	20,000	7,000	7,000
53-40-434	Utilities, Electricity	33,000	38,657	34,000	34,000	64,800
53-40-436	Uniforms	800	717	800	800	800
53-40-439	Laboratory Analysis	6,050	3,006	6,050	3,000	1,500
	Subtotal	130,335	96,746	246,765	208,365	126,245
CAPITAL IMPROVEMENTS						
53-40-450	Capital Improvement Loan	50,469	50,467	50,471	50,471	50,470
	Subtotal	50,469	50,467	50,471	50,471	50,470
TREATMENT PLANT UPGRADE						
53-40-490	CWRPA Direct Loan Repayment (\$2 mil)	0	0	0	0	112,717
53-38-620	PAWSD Pipeline Loan	0	249,930	1,703,000	2,595,070	100,000
53-40-500	Sewer Pipeline	2,945,000	218,506	2,500,000	4,193,000	100,000
	Subtotal	2,945,000	468,436	4,203,000	6,788,070	312,717
	TOTAL EXPENDITURES	3,319,140	732,610	4,683,902	7,175,132	744,347

a Decommissioning and potential end of project events scheduled for 2015, it might be prudent to increase this item to \$20,000

b Readily accessible vehicle with inverter, assuming \$15,000 trade in on new \$30,000 vehicle

c \$2,000 license for Caselle access

d Continue cleaning, televising, and now manhole rehab. +/- 20k for tv, and 20k for manhole rehab.

e \$1.10/1000 gallons to pump the lagoon contents up to PAWSD

f +/- \$5,400/mo or \$64,800/yr for new pump stations

g Due to decommissioning, less than a half year of laboratory analysis will be needed

h Express Billpay \$1500 set up one time, CC charges \$4,000, Express Billpay \$1,500, AIS \$2,750



AGENDA DOCUMENTATION

OLD BUSINESS: V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
SEPTEMBER 18, 2014

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: TOWN/PAWSD PIPELINE UPDATE
ACTION: DISCUSSION

Town/PAWSD Pipeline Update

I have met with the administration at the schools and the request I mentioned at the last meeting to potentially move the pipeline alignment on school district property is no longer an issue and no change in alignment is required.

Payment has been requested, and approved for the month of August to the Engineering firm of Bartlett & West in the amount of \$1,925.00.

Also pay application #5 to the contractor, Hammerlund Construction, has been requested and approved in the amount of \$125,337.71

Also, an invoice from PAWSD for lead project representative time has been received in the amount of \$2615.75 which included 24 hours of overtime. We continue to review the charges and endeavor to keep it to a minimum.

Work on both pump stations continues and finishing the phase 2 pipeline tasks that remain and are being required by Archuleta County to be completed before bad weather and cooler temperatures set in. Some work on the phase 1 pipeline that does not require work in the road right of way continues, but all work on Trujillo Road and the south 5th street (school bus route) has been suspended until next year.

We are receiving increased documentation now on current change orders and proposed change orders. PSSGID, PAWSD, the project engineer, and the contractor are discussing several change orders on the project currently and as soon as resolution is made, we will inform the board.

Respectfully submitted,
Gene Tautges, Sanitation Supervisor



AGENDA DOCUMENTATION

DEPARTMENT HEAD REPORT: VI.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
SEPTEMBER 18, 2014

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: DEPARTMENT HEAD REPORT
ACTION: DISCUSSION

Administrative

I am researching contract documents for the pipeline project to assist in change order resolution, and working on the 2015 budget. I am also researching numerous business licenses and their effect on equivalent residential taps to the PSSGID system.

Wastewater Treatment Plant

The average daily effluent flow rate for August was .222 million gallons per day with no violations reported.

Collection System

There are 2 settled pipe sections one on Loma Street and the other in the north 5th/6th alley that will have to be excavated. If weather holds, it is my intension to get these repaired yet this season. They are budgeted repairs.

I have order the specialty parts for the Chamber of Commerce pumping station. It is also still the intention to complete this budgeted project this season depending on delivery of the new pumping unit.

Geothermal

The leak on the western loop of the geothermal system was repaired a couple of weeks ago and the system was returned to being supplied by river water. The current leak rate is approximately 1.8 gallons per minute which is incredibly good considering the length of pipe and age of the system. The geothermal system is up and ready for the current heating season.